

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
KENTUCKY UTILITIES COMPANY AND)	CASE NO.
LOUISVILLE GAS AND ELECTRIC COMPANY)	2026-00077
FOR APPROVAL OF MERGER)	

ORDER

This matter arises upon the motion of the Kentucky Broadband Cable Association (KBCA) filed on April 17, 2026, for full intervention in this matter. As a basis for its motion, KBCA stated that it has a special interest that is not otherwise represented and that it would assist the Commission in developing the record without unduly complicating the proceedings.¹ On April 22, 2026, Kentucky Utilities Company (KU) and Louisville Gas and Electric Company (LG&E) (jointly, LG&E/KU) filed a response objecting to KBCA's request for intervention.² On April 27, 2026, KBCA filed a response in support of their motion.³

LEGAL STANDARD

The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), has the statutory right to intervene in Commission cases pursuant to KRS 367.150(8)(b). The Attorney General was granted

¹ KBCA's Motion for Intervention (Motion) (filed Apr. 17, 2026).

² LG&E/KU's Response to KBCA's Motion to Intervene (Response) (filed Apr. 22, 2026).

³ KBCA's Response in Support of its Motion to Intervene (Response in Support of Motion) (filed Apr. 27, 2026).

intervention on March 30, 2026. With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.⁴

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

MOTION

KBCA is the trade association that represents Kentucky's investor-owned cable companies.⁵ KBCA argued that its members pay pole attachment rates to both LG&E and KU and as such, the organization may advocate in cases such as these.⁶ According to the motion, given its members' reliance on reasonable and lawful access to utility poles to deploy vital broadband services across the Commonwealth, KBCA argued it will provide the Commission with unique views and perspectives not offered by another participant in this proceeding.⁷ In support of 807 KAR 5:001 Section 4(11)(b)'s second prong, KBCA stated it has been granted intervention in other cases and provided

⁴ KRS 164.2807.

⁵ Motion at 1; *citing* Access Cable, Armstrong, C&W Cable, Charter Communications, Comcast, Inter Mountain Cable, Lycom Communications, Mediacom, Suddenlink, and TVS Cable.

⁶ Motion at 1-2.

⁷ Motion at 3.

testimony and conducted cross examination in order to assist in developing the record.⁸ In addition, KBCA stated it would assist in developing a “robust and complete record on which to evaluate the proposed merger and ensure that the Commission considers all relevant stakeholders’ positions in determining whether the merger should be approved.”⁹

RESPONSE

On April 22, 2026, LG&E/KU filed an objection to KBCA’s request for intervention based on KBCA’s interest being pole attachment rates, services and conditions, all issues which were litigated in Case No. 2025-00113 and Case No. 2025-00114.¹⁰ Specifically LG&E/KU objected, stating “[n]one of those issues is relevant to this merger case, in which the Companies have asked the Commission for relevant authority to merge the Companies, *not to revise their tariffed rates, terms, or conditions.*”¹¹ LG&E/KU cited to Commission precedent to support their position, noting that even Atmos Energy Corporation was denied intervention in a case which presented a purely legal question.¹² LG&E/KU emphasized that the Commission has issued its final Orders in Case No. 2025-00113 and Case No. 2025-00114 and that KBCA is attempting to relitigate those issues in a merger matter.¹³

⁸ Motion at 2-3; *citing* Case No. 2025-00113, *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates and Approval of Certain Regulatory and Accounting Treatments* and Case No. 2025-00114, *Electronic Application of Louisville Gas and Electric Company for An Adjustment of Its Electric and Gas Rates and Approval of Certain Regulatory and Accounting Treatments*.

⁹ Motion at 3.

¹⁰ Response at 1.

¹¹ Response at 2.

¹² Response at 3-4; *citing* Case No. 2023-00195 *Electronic Application of Pennyryle Regional Energy Agency for a Declaratory Order Regarding the Jurisdiction of the Public Service Commission* (Ky. PSC Oct. 20, 2023), Order at 4-5.

¹³ Response at 5-6.

RESPONSE IN SUPPORT OF THE MOTION

KBCA noted that

this Commission and the Legislature have recognized, just and reasonable pole attachment rates, terms, and conditions are critical to the timely and efficient deployment of critical broadband services across the Commonwealth. KBCA is uniquely positioned to assist the Commission in evaluating those important issues and developing the record on how the proposed merger could impact the Commission's long-standing policy to speed broadband deployment to Kentucky's unserved and underserved communities.¹⁴

KBCA went on to argue that it has an interest in ensuring LG&E/KU comply with the recent Orders in Case No. 2025-00113 and Case No. 2025-00114.¹⁵

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that KBCA is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings for the reasons discussed below. However, the Commission acknowledges the concerns expressed by LG&E/KU in its response and as such, grants KBCA intervention with guidelines. The Commission does believe that all stakeholders, who request an opportunity to do so, should participate in this matter, should they choose to and be granted intervention. Participation will assist the Commission in developing a well-rounded record.

In order to assist in limiting the complications with KBCA participation, The Commission reminds KBCA that intervention in this matter is not an opportunity to

¹⁴ Response to Motion at 1.

¹⁵ Response to Motion at 2-3.

re-litigate findings in previous matters. The Commission will not tolerate re-litigation of issues recently before the Commission in other cases. The Commission respectfully disagrees with LG&E/KU's assertion that rates, services and conditions are not implicated by this proposed merger when the application includes requests for assumption of indebtedness pursuant to KRS 278.300 and a change in the information used to calculate the fuel adjustment clause (FAC) for both LG&E and KU customers. This matter is not one solely of legal interpretation but may possibly impact hundreds of thousands of LG&E and KU ratepayers. The Commission believes that KBCA has a history of being direct and informative in its participation and does not anticipate that KBCA will see this intervention as anything other than an opportunity to assist the Commission in developing the record.

Based on the above, the Commission finds that KBCA should be granted full rights of a party in this proceeding. The Commission directs KBCA to the Commission's July 22, 2021 Order in Case No. 2020-00085¹⁶ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. KBCA's motion to intervene is granted..
2. KBCA is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. KBCA shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.

¹⁶ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

4. KBCA shall adhere to the procedural schedule set forth in the Commission's Order April 10, 2026 and as amended by subsequent Orders.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, KBCA shall file a written statement with the Commission that:

a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

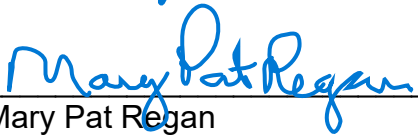
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Entered on this 30th day of April, 2026.

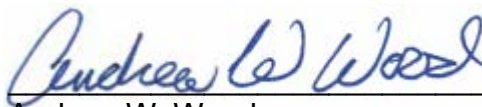
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