

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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JUL 01 2011

In the Matter of:

PUBLIC SERVICE  
COMMISSION

APPLICATION OF LOUISVILLE GAS AND ELECTRIC )  
COMPANY FOR AN AMENDED ENVIRONMENTAL )  
COMPLIANCE PLAN, A REVISED SURCHARGE TO )  
RECOVER COSTS, AND CERTIFICATES OF PUBLIC )  
CONVENIENCE AND NECESSITY FOR THE )  
CONSTRUCTION OF NECESSARY )  
ENVIRONMENTAL EQUIPMENT )

CASE NO. 2011-00162

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES )  
FOR CERTIFICATES OF PUBLIC CONVENIENCE )  
AND NECESSITY AND APPROVAL OF ITS 2011 )  
COMPLIANCE PLAN FOR RECOVERY )  
BY ENVIRONMENTAL SURCHARGE )

CASE NO. 2011-00161

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**JOINT RESPONSE SUPPORTING PETITION OF DREW FOLEY, JANET OVERMAN,  
GREGG WAGNER, RICK CLEWETT, RAYMOND BARRY, SIERRA CLUB,  
AND THE NATURAL RESOURCES DEFENSE COUNCIL  
FOR FULL INTERVENTION**

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On June 16, 2011, Rick Clewett, Raymond Barry (collectively, "Individuals"), Sierra Club, and the Natural Resources Defense Counsel ("NRDC"), respectfully requested that the Commission grant them full intervention in Case No. 2011-00161, which concerns Kentucky Utilities' application for Certificates of Public Convenience and Necessity for the installation of pollution control equipment on the E.W. Brown and the Ghent power plants. On June 16, 2011, Drew Foley, Janet Overman, Gregg Wagner (also collectively, "Individuals"), Sierra Club, and NRDC requested that the Commission grant them full intervention in Case No. 2011-00162, which concerns Louisville Gas & Electric's ("LG&E") application for Certificates of Public

Convenience and Necessity for the installation of pollution control equipment on the Mill Creek and Trimble power plants. On June 27, 2011, LG&E and Kentucky Utilities (collectively, the “Companies”) jointly responded in opposition to these motions. The Individuals, Sierra Club, and NRDC (collectively, the “Movants”) now offer this reply.

## INTRODUCTION

Rather than respond to the arguments set forth in the Movants’ Petitions, the Companies argue against a straw man by pretending that Movants’ “stated interest is the impact of the Companies’ decisions on public health and the environment.”<sup>1</sup> In fact, Movants expressly stated that they “are not seeking intervention to opine about the environmental impacts of [the Companies’] coal plants and its environmental compliance plans.”<sup>2</sup> In fact, Movants’ interests are exactly the issues the Commission will address in this proceeding – namely the promotion of robust examination of the proposal and its alternatives to ensure that it is the most cost-effective option.

The Companies also contend that the Attorney General’s participation in this proceeding forecloses the Movants’ intervention. The Companies’ argument, however, would render the Commission’s intervention provision a virtual nullity, as the Commission would almost always deny intervention to a public interest group on the grounds that their interests are already adequately represented.<sup>3</sup> In addition, the Companies ignore the fact that the Attorney General is in the unenviable position of representing all of the various and often-competing consumer interests in Kentucky. Therefore, the Attorney General does not adequately represent the

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<sup>1</sup> LG&E and KU’s Joint Opposition to Movants’ Petition to Intervene at 6.

<sup>2</sup> Movants’ Petition to Intervene in KU Proceeding at 8; Movants’ Petition to Intervene in LG&E Proceeding at 8.

<sup>3</sup> See Petition of Rick Clewett, Raymond Barry, Sierra Club, and the Natural Resources Defense Council for Full Intervention at pg 12-13; Petition of Drew Foley, Janet Overman, Greg Wagner, Sierra Club, and the Natural Resources Defense Council for Full Intervention at pg 14.

individual Movants, who are ratepayers of the Companies, or the organizational Movants, which are national public interest organizations who have numerous individual ratepayer members.

In their Intervention Petitions, Movants meticulously analyzed the two part test for intervention under 807 K.A.R. 5:001 § 3(8). The Companies have not offered a legitimate reason to deny the Movants intervention and, instead attempted to create a higher pleading standard for intervenors that are concerned about environmental issues as well as rate and service issues. The Commission should flatly reject the Companies' theory and grant Movants' Petitions.

**I. Environmental Intervenors Do Not Have a Higher Pleading Standard.**

On June 16, 2011, Movants filed petitions to intervene in these two proceedings. In the petitions, Movants described with as much specificity as possible at this early stage in the proceeding, the nature of their individual interests. In fact, Movants' pleading provided more specificity than any other parties' request to intervene filed to date.<sup>4</sup> Nevertheless, the Companies object to Movants' requests, in part on the basis that Movants have purportedly offered only conclusory statements regarding their interests in, and the expertise they would bring to, these proceedings.

As an initial matter, it appears that the Companies are requesting that the Commission establish a separate, higher standard of pleading for Movants because environmental issues are part of the myriad of issues that concern them.<sup>5</sup> Were the Commission to grant the Companies'

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<sup>4</sup> Compare 13-page Petition of Rick Clewett, Raymond Barry, Sierra Club, and the Natural Resources Defense Council for Full Intervention and 15-page Petition of Drew Foley, Janet Overman, Greg Wagner, Sierra Club, and the Natural Resources Defense Council for Full Intervention with 1-page Kentucky Industrial Utilities Customers Petition to Intervene; 2-page The Kroger Company Petition to Intervene, and 1-page Lexington-Fayette Urban County Government Petition to Intervene.

<sup>5</sup> The following passage from the Companies' Opposition is an example of how the Companies are advocating for a different pleading standard for environmental intervenors:

request, it would establish, for the first time, different pleading standards for intervenors that also have an interest in environmental matters. This is especially true because Kentucky Industrial Utilities Customers, The Kroger Company, and Lexington-Fayette Urban County Government were granted full party status despite their each pleading the most generalized of interests.<sup>6</sup> Each petition states its general interest in keeping rates low and generally states that its interests are not adequately represented – Kentucky Industrial Utilities Customers doesn't even mention

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“While making conclusory allegations regarding their expertise, tellingly, the Petitions do not cite any experience the Environmental Groups have in Kentucky or with cases similar to ECR proceedings such as this one.”

LG&E and KU's Joint Opposition to Movants' Petition to Intervene at 13. The Companies did not object to the general interests averred by other intervenors or require them to submit a comprehensive list of other PSC proceedings in which it participated. Yet, the Companies objected to the Movants not providing such a list and imply that we lied about our stated experience and expertise.

Sierra Club and NRDC have participated in ratemaking proceedings in states around the country, which are similar to the proceedings such as this one. The following is a partial list of similar proceedings in which one or both of the organizational Movants are currently participating: *In the Matter of Entergy Arkansas, Inc. 's Request for a Declaratory Order Approving the Addition of the Environmental Controls Project at the White Bluff Steam Electric Station Near Redfield, Arkansas* (Arkansas PSC, Docket No. 09-024-U); *In the Matter of a General Investigation Into KCP&L and Westar Generation Capabilities Including as these Capabilities May Be Affected By Environmental Requirements* (Kansas PSC, Docket No.: 11-GIME-492-GIE); *In the Matter of the Petition of Kansas City Power & Light Company (KCP&L) for Determination of Ratemaking Principles And Treatment That Will Apply to the Recovery in Rates of the Cost to be Incurred by KCP&L for Certain Electric Generation Facilities Under K.S.A. 66-1239* (Kansas PSC, Docket No.: 11-KCPE-581-PRE); *In the Matter of the Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations* (Utah PSC, Docket No. 10-035-124); *In the Matter of the Application of Arizona Public Service Company for Authorization of Generating Assets from Southern California Edison and for an Accounting Order* (Arizona PSC, Docket No. APS 10-0474); *In the Matter of Portland Electric Company 2009 Integrated Resource Plan* (Oregon PSC, Docket No. LC48).

<sup>6</sup> Two other entities were also granted intervention, Metropolitan Housing Coalition and Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc. While these pleadings were more substantive than Kentucky Industrial Utilities Customers, The Kroger Company, and Lexington-Fayette Urban County Government, they were not nearly as substantive as Movants' petitions.

whether its interests are adequately represented.<sup>7</sup> None of these petitions offers specificity with regard to the general conclusions about interests and the adequacy of representation and completely fail to aver any experience or expertise or identify any issues the Companies overlooked that would assist the Commission, or discuss how its participation would not unduly complicate these proceedings.<sup>8</sup>

For example, Kentucky Industrial Utilities Customers (“KIUC”) merely stated as an association of large electric and gas public utility customers in Kentucky that the “matters being decided by the Commission in this case may have a significant impact on the rates paid by KIUC for electricity.”<sup>9</sup> It alleged a unique interest based upon its energy use and the fact that it represents large commercial customers.<sup>10</sup> Its entire petition was 1-page in length and only stated a special interest in rates.<sup>11</sup> It did not address whether its interest was adequately represented, aver any experience or expertise or identify any issues the Companies overlooked that would assist the Commission, or discuss how its participation would not unduly complicate these proceedings.<sup>12</sup>

The Kroger Company’s petition was likewise non-substantive. The Kroger petition stated that it “operates many stores and distribution centers throughout the service area of Louisville Gas and Electric Company (“LGE”) and is a substantial user of electric services provided by LG&E” and “has a special interest in the proposed compliance plan that will be reviewed in this

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<sup>7</sup> Kentucky Industrial Utilities Customers Petition to Intervene at p. 1; The Kroger Company’s Petition to Intervene at p. 1; Lexington-Fayette Urban County Government Petition to Intervene at 1.

<sup>8</sup> Kentucky Industrial Utilities Customers Petition to Intervene at p. 1; The Kroger Company’s Petition to Intervene at p. 1; Lexington-Fayette Urban County Government Petition to Intervene at 1.

<sup>9</sup> Kentucky Industrial Utilities Customers Petition to Intervene at p. 1.

<sup>10</sup> Kentucky Industrial Utilities Customers Petition to Intervene at p. 1.

<sup>11</sup> Kentucky Industrial Utilities Customers Petition to Intervene at p. 1.

<sup>12</sup> Kentucky Industrial Utilities Customers Petition to Intervene at p. 1.

proceeding and its interest cannot be adequately represented by any existing party.”<sup>13</sup> Its entire petition was 2-pages in length, which just generally states that it is interested in rates and generally notes that its interests are not adequately represented.<sup>14</sup> The petition offers no specificity with regard to these general conclusions and did not aver any experience or expertise or identify any issues the Companies overlooked, or discuss how its participation would not unduly complicate these proceedings.<sup>15</sup>

The Metropolitan Housing Coalition’s Petition, a non-profit entity like Sierra Club and NRDC, was more substantive than the other petitions. The Metropolitan Housing Coalition “focuse[s] on energy costs as part of fair and affordable housing” and noted that “[u]tility costs are a significant component of affordable shelter.”<sup>16</sup> Not unlike the Movants, the Coalition wished to intervene to ensure “that the costs associated with the proposed certificates of public convenience and necessity and the 2011 Compliance Plan are prudent and necessary.”<sup>17</sup> The Coalition alleged that its special interests in the nexus between utility costs and safe and affordable housing were not adequately represented by any other member.<sup>18</sup> LG&E did not oppose the Coalition’s petition, which the Commission granted, or argue that the Attorney General adequately represented its interests.

Likewise, Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc. (“CAC”) petitioned for full intervention on grounds similar to the Metropolitan Housing Coalition. Kentucky Utilities did not file an opposition or argue that the

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<sup>13</sup> The Kroger Company’s Petition to Intervene at p. 1.

<sup>14</sup> The Kroger Company’s Petition to Intervene at p. 1.

<sup>15</sup> The Kroger Company’s Petition to Intervene at p. 1; see also Lexington-Fayette Urban County Government Petition to Intervene at 1 (another example of a general intervention pleading).

<sup>16</sup> The Metropolitan Housing Coalition’s Petition to Intervene at p. 2.

<sup>17</sup> The Metropolitan Housing Coalition’s Petition to Intervene at p. 3.

<sup>18</sup> The Metropolitan Housing Coalition’s Petition to Intervene at pp. 3-4.

Attorney General adequately represented its interests. The Commission has granted CAC's Petition.<sup>19</sup>

Movants do not dispute that these entities established the requisite interest to participate in this public proceeding. Nevertheless, in sharp contrast to the other intervenors, Movants far surpassed the specificity evidenced in the other pleadings to date. Even though there is no way to predict all of the subjects that may arise during the course of this proceeding, the test is simply that Movants have a special interest in the proceeding and that no other party to the proceeding adequately protects those interests or that Movants are likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Movants meticulously analyzed each prong of this test and, in fact, exceeded the two-part test under 807 K.A.R. 5:001 § 3(8) by satisfying both intervention standards. Thus, the Commission should affirmatively reject the Companies request that the Commission establish a party-based, unfair, and likely unlawful, tiered intervenor pleading standard.

## **II. The Companies Advance No Substantive Reason to Deny Intervention.**

Despite the fact that the pleading standard dichotomy advanced by the Companies is inappropriate, Movants will briefly address the issues raised in their objection. The Companies' primary objection to Movants' involvement is based on the fact that the Attorney General's office is participating in these proceedings, in part, to protect the public interest and Kentucky ratepayers.<sup>20</sup> The Companies allege that the Attorney General adequately represents Movants' interest as the Attorney General represents all electric customers and "can more than sufficiently

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<sup>19</sup> Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc.'s Petition to Intervene at pp. 3-4.

<sup>20</sup> LG&E and KU's Joint Opposition to Movants' Petition to Intervene at pp. 3-5, 10-12.

represent customers' interests by evaluating whether the Companies' plans contain reasonable and cost-effective projects to comply with the applicable regulations."<sup>21</sup> However, with all due respect, the Attorney General's objectives may be different than Movants. For instance, if it was determined that energy efficiency and/or building renewable electricity generation cost the same as retrofitting these coal-fired power plants, the Attorney General would be unable to push harder for energy efficiency, conservation, and environmental interests.<sup>22</sup> The Movants on the other hand could aggressively push for this option, which evidences the fact that Attorney General does not adequately represent the Movants' interests.

Moreover, the Attorney General's office is required to balance the interests of all classes of ratepayers. The Attorney General is not allowed to advocate for one particular segment or subclass over another. While this proceeding may impact all electric customers who have an interest in keeping rates down, the real-life impacts differ for different ratepayers. For instance, increases in utility costs constitute a significant challenge to residential ratepayers who live on fixed income relative to the average utility customer. A rate increase could cause economic hardships for this rate class requiring them to alter their way of life. This class of rate payers, thus, has a different motivation than industrial ratepayers who, while interested in protecting their bottom-line profits, may have a greater capacity to absorb such rate increases. That is why representatives of sub-classes, such as industrial rate payers and large commercial interests,<sup>23</sup> are

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<sup>21</sup> The Companies never state why they did not oppose the intervention of Kentucky Industrial Utilities Customers, The Kroger Company, Lexington-Fayette Urban County Government, Metropolitan Housing Association and CAC, even though they are all customers of the Companies and, according to the Companies' arguments are adequately represented by the Attorney General.

<sup>22</sup> The Kentucky General Assembly has encouraged the use of Kentucky coal by electric utilities, KRS 278.020(1).

<sup>23</sup> *See, e.g.*, PSC Order Granting Kentucky Industrial Utilities Customers Intervention (May 23, 2011); PSC Order Granting The Kroger Company Intervention (June 16, 2011, June 17, 2011).

allowed to intervene independently in order to focus representation on their particular interest. And, it is for this reason, Movants seek to participate in their capacity as residential rate payers and public interests entities. Allowing these different rate-payers to bring their unique perspectives to these proceedings is consistent with the proceedings to date as the Commission has granted intervention to different rate classes, such as industrial ratepayers, commercial ratepayers, and affordable housing public interest entities.

The Commission also cannot interpret its regulations to provide that the mere fact that the Attorney General intervened in this case means that the public interest Movants' interests are adequately represented, for that is the situation in every case. Such an interpretation would render the intervention provision for parties other than the Attorney General superfluous, which would run contrary to the rules of statutory and regulatory interpretation. *See Lexington-Fayette Urban County Government v. Johnson*, 280 S.W.3d 31, 34 (Ky. 2009), *University of Cumberlands v. Pennybacker*, 308 S.W.3d 668, 683-84 (Ky. 2010). The Companies did not even attempt to refute this argument.<sup>24</sup>

Next, the Companies allege that since Movants are public interest environmental organizations or individuals concerned about environmental issues, they cannot possibly offer assistance in this pleading. The Companies are merely maligning the Movants for their environmental affiliation and ignoring Movants' actual pleadings and the stated interests Movants' asserted.

Movants are trying to ensure that the Commission makes a reasonable and prudent decision and avoids the wasteful expenditure of resources. Part of that decision-making process is examining the Companies' assumptions to see if their conclusion that these upgrades are the

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<sup>24</sup> LG&E and KU's Joint Opposition to Movants' Petition to Intervene.

least cost option is actually correct. For instance, Movants want to ensure that a full range of alternatives is considered because the Commission cannot reasonably and prudently determine that this is the least cost compliance option without a searching review of different alternatives and their estimated costs. In addition, the Movants want to ensure that the Commission examines the entire suite of emerging federal regulations in order to accurately determine the full range of costs facing the electric generating units that the Companies are proposing to retrofit. The Companies argue that such concerns are beyond the scope of the Commission as they are environmental policy concerns.<sup>25</sup>

The Companies are wrong. A full assessment of alternatives and their respective costs and the complete suite of upcoming and pending environmental requirements fits squarely within the scope of the analysis the Commission is required to perform. Kentucky statute states that the Commission shall conduct a hearing to determine if the application is “reasonable and cost-effective for compliance with the applicable environmental requirements.” KRS 278.183(2). An essential element of a cost-effective analysis is ensuring that the proposed course of action is not wasting time, effort, or expense because, for example, there are less costly ways to serve the Companies’ energy needs. The Commission must also ensure that there is not wasteful duplication.<sup>26</sup>

Based on Movants’ review of the Companies’ applications, it appears that the Companies’ assessment of upcoming environmental regulations has major shortcomings. The Companies have unquestionably completely failed to consider a number of emerging federal requirements. Most importantly, the Companies have not addressed emerging federal requirements to curb

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<sup>25</sup> LG&E and KU’s Joint Opposition to Movants’ Petition to Intervene at pp. 9-10, 12-16.

<sup>26</sup> See, e.g., *In the Matter of: The Application of Kentucky Utilities Company for a Certificate of Public Convenience and Necessity and Approval of its 2009 Environmental Compliance Plan for Recovery by Environmental Surcharge* (Case No. 2009-00197).

greenhouse gas emissions from existing coal-fired power plants.<sup>27</sup> These regulations, unanalyzed by the Companies, will require additional expenditures on control technology retrofits (or may lead to plants being repowered or retired). In this way, the Companies are asking ratepayers to fund piecemeal work that it could do more efficiently (more cost-effective) or not at all (prevent wasteful expenditure of resources) once the Companies and Commission have a better understanding of the full suite of federal requirements. Such an analysis is unquestionably within the Commission's purview to determine if the application is "reasonable and cost-effective for compliance with the applicable environmental requirements." KRS 278.183(2).

The Companies imply that the Attorney General can adequately present Movants' concerns about analyzing the full suite of emerging environmental regulations to the Commission.<sup>28</sup> With all due respect to the Attorney General, Movants disagree. Movants have a degree of understanding about the emerging environmental regulations that surpasses that of the Attorney General because Sierra Club and NRDC have been extensively involved in reviewing and commenting on these proposed regulations, have evaluated what type of retrofit upgrades utilities would need to install to comply with each of these compliance obligations, and have continually tracked regulatory updates impacting coal-fired utilities for multiple years. In fact, this is one of the main focuses of Sierra Club and NRDC's work, so they bring an unparalleled comprehension of these issues to this proceeding.

Second, based on Movants' review of the Companies' applications, it appears that the Companies only analyzed one alternative to the proposed actions: a natural gas-fired combined

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<sup>27</sup> EPA entered into a settlement agreement with a number of states, Sierra Club and NRDC, which establishes a schedule for promulgating a rule to regulate greenhouse gas emissions from existing sources. EPA will finalize this rule by May 26, 2012. The Commission can also find a copy of this settlement agreement and the proposed regulatory schedule at <http://www.epa.gov/airquality/ghgsettlement.html>.

<sup>28</sup> LG&E and KU's Joint Opposition to Movants' Petition to Intervene at pp. 10-11.

cycle plant.<sup>29</sup> This one alternative is not even adequately described. Using natural gas fuel as a fuel choice presents a number of alternatives that the Companies should have considered, including building a new natural gas combined cycle facility, repowering existing units with natural gas, purchasing an existing natural gas combined cycle plant, or purchasing unused capacity from an existing natural gas plant. Our Petitions noted that we would ensure that the appropriate suites of alternatives were examined, such as replacing the capacity with natural gas, renewable energy sources, and/or efficiency, to ensure that the Commission has all the information necessary to make a reasonable and prudent determination regarding what is the most cost-effective alternative.<sup>30</sup>

Once again the Companies inappropriately classify this interest as a desire to promote a specific environmental agenda.<sup>31</sup> But, as they expressly stated in their intervention motion, the Movants are not seeking intervention to opine about the environmental impacts of the Companies' coal plants.<sup>32</sup> Rather, Movants are seeking to present testimony regarding whether the compliance plan proposed by the Companies is really the least cost option in light of the full range of available alternatives. While the Companies argue that such alternatives are somehow not relevant to this proceeding, the Commission cannot reach a logical determination on the

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<sup>29</sup> See Direct Testimony of Charles R. Schram at 5 (the only alternative mentioned in Mr. Schram's Direct Testimony is natural gas. He states, "[t]he replacement generation technology, if required, is expected to be a natural gas-fired combined cycle combustion turbine.").

<sup>30</sup> "[A]s more constraints are . . . placed on utilities that rely significantly on coal-fired generation," this is an important issue for the Commission to consider. See, e.g., *In the Matter of: Joint Application of PPL Corporation, E.ON AG, E.ON US Investments Corp., E.ON U.S. LLC, Louisville Gas and Electric Company, and Kentucky Utilities Company for Approval of an Acquisition of Ownership and Control of Utilities* (Case No. 2010-00204) Order, Sept. 30, 2010 at 20 (noting that the Commission stated its support for energy-efficiency programs in a report "to the Kentucky General Assembly in July 2008 pursuant to Section 50 of the 2007 Energy Act").

<sup>31</sup> See, e.g., LG&E and KU's Joint Opposition to Movants' Petition to Intervene at p. 10.

<sup>32</sup> Movants' Petition to Intervene in KU Proceeding at 8; Movants' Petition to Intervene in LG&E Proceeding at 8.

reasonableness of the Companies' request to recoup \$2.5 billion from its ratepayers to pay for environmental controls without evaluating them. As such, Movants are seeking intervention to address topics that are directly at issue in this proceeding and these issues are certainly within the Commission's scope of review.<sup>33</sup>

Third, the Movants argued that it is premature for the Commission to determine if these pollution upgrades are a public convenience or necessity. The Companies concede Kentucky has not yet designated Jefferson County as nonattainment for sulfur dioxide, the Hazardous Air Pollutant and Clean Air Transport Rules under the Clean Air Act and Coal Combustion Residuals Rule under the Resource Conservation Recovery Act are not finalized.<sup>34</sup> Without these final designations and rules, the Companies have no way of knowing whether its premature retrofit work will meet federal requirements. Nonetheless, the Companies wants authority to gamble on the installation of pollution controls that it hopes will meet (or be a cost effective foundation for meeting) all existing and proposed environmental regulations facing these plants. While the Companies never addressed this argument in their opposition, analyzing these issues is certainly within the Commission's scope of review.<sup>35</sup>

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<sup>33</sup> 807 K.A.R. 5:001 § 3(8); See also, e.g., *In the Matter of: The Application of Kentucky Utilities Company for a Certificate of Public Convenience and Necessity and Approval of its 2009 Environmental Compliance Plan for Recovery by Environmental Surcharge* (Case No. 2009-00197).

<sup>34</sup> KU Application at 3, 6, Direct Testimony of Gary H. Revlett at 2, 4, 13-14, 15-18; LG&E Application at 3, 6, Direct Testimony of Gary H. Revlett at 4, 7-8, 13-14.

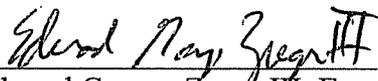
<sup>35</sup> 807 K.A.R. 5:001 § 3(8); See also, e.g., *In the Matter of: The Application of Kentucky Utilities Company for a Certificate of Public Convenience and Necessity and Approval of its 2009 Environmental Compliance Plan for Recovery by Environmental Surcharge* (Case No. 2009-00197).

Throughout their opposition, the Companies continually malign the Movants as only capable of advocating for low carbon generation options.<sup>36</sup> However, as Movants noted in its Petitions to Intervene, we are not advocating any particular resource mix or alternative at this time, and instead simply endorse a robust examination of the comparative costs and benefits of all viable options once the full suite of emerging federal requirements are considered.

### **Conclusion**

For the reasons identified herein and in Movants' Petitions, the Movants respectfully request full intervention in this matter.

Respectfully submitted,

  
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<sup>36</sup> See, e.g., LG&E and KU's Joint Opposition to Movants' Petition to Intervene at p. 10, 13, 14, 15, 16.

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Dated: June 30, 2011

## CERTIFICATE OF SERVICE

I certify that I mailed a copy of this Petition For Full Intervention by first class mail on June 30, 2011 on the following:

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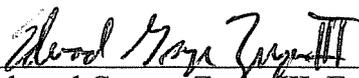
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