

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2022 INTEGRATED RESOURCE)	CASE NO.
PLAN OF EAST KENTUCKY POWER)	2022-00098
COOPERATIVE, INC.)	

ORDER

This matter arises upon the motion of the Sierra Club, filed June 3, 2022, for full intervention. As a basis for its motion, Sierra Club stated that it seeks to intervene to represent the interests of residential customers of providers who obtain their power from East Kentucky Power Cooperative, Inc. (EKPC), specifically Johanna Wray of McKee, Kentucky, who obtains electric service from EKPC owner-member Jackson Energy Cooperative. Sierra Club further stated that it has experience with, and expertise in, various planning issues at issue in this matter. It noted that it has intervened in a number of cases in Kentucky reviewing integrated resource plans. Sierra Club argued that it is likely to present issues and develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, specifically how recent and prospective regulatory, market, and technological developments could impact EKPC's resource planning. Sierra Club further argued that it has a special interest not otherwise represented in cost-effective, clean energy, energy storage, and demand-side management resources.

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General has moved and been granted intervention in this matter. Intervention by all others is permissive and is within the sole discretion of the Commission.

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.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that Sierra Club's intervention has a special interest in the proceeding over which the Commission has jurisdiction and is not otherwise adequately represented or that Sierra Club is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings, for the reasons below.

Specifically, Sierra Club has demonstrated that it will present issues and develop facts regarding reasonable, least cost resource planning as well as its experience with those issues, and Sierra Club has participated in several recent Integrated Resource Plan (IRP) cases without unduly complicating or disrupting the proceeding. By satisfying this

portion of the test in 807 KAR 5:001, Section 4(11), Sierra Club shall be granted intervenor status.

Due to the fact that Sierra Club has established sufficient facts to be granted intervenor status by satisfying at least one of the two prongs required for admission by 807 KAR 5:001, Section 4(11), the Commission makes no finding as to whether or not Sierra Club has a special interest under the other prong of 807 KAR 5:001, Section 4(11) because the issue is moot.

Based on the above, the Commission finds that Sierra Club is granted full rights of a party in this proceeding. The Commission directs Sierra Club to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission.

IT IS THEREFORE ORDERED that:

1. The motion of Sierra Club to intervene is granted.
2. Sierra Club 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. Sierra Club 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.
4. Sierra Club shall adhere to the procedural schedule set forth in the Commission's June 1, 2022 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, Sierra Club shall file a written statement with the Commission that:

¹ 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).

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 should be served.

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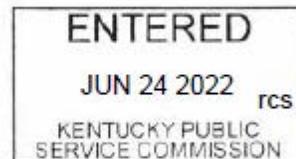
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