

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF)	
AMENDMENTS TO THE PUBLIC UTILITY)	CASE NO.
REGULATORY POLICIES ACT OF 1978 AND)	2022-00370
DEMAND RESPONSE PRACTICES)	

ORDER

This matter arises upon the motion¹ of Kentuckians for the Commonwealth (KFTC), Mountain Association (MA), Metropolitan Housing Coalition (MHC), and Earth Tools, Inc. (ETI), (collectively, Joint Movants), filed November 18, 2022, for full intervention.

As a basis for the joint motion, Joint Movants stated that they will present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding. Specifically, Joint Movants state they will assist the Commission in addressing issues such as both the availability and utility of existing measures available to promote the use of demand response and demand flexibility practices, and appropriate measures to promote greater use of such practices. Joint Movants further stated that existing parties to the proceeding do not adequately represent Joint Movants' respective interests. Joint Movants also stated that they will speak with one voice with coordinated participants. In support of their statement that they

¹ Joint Motion of Kentuckians for The Commonwealth, Mountain Association, Metropolitan Housing Coalition, and Earth Tools, Inc. for Full Intervention of Joint Intervenors (filed Nov. 18, 2022) (Joint Motion).

will present issues and develop facts to assist the commission in considering the matter, without complication or disrupting the proceedings.

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). Intervention by all others is permissive and is within the sole discretion of the Commission.²

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001E, Section 4, is twofold. Commission regulation 807 KAR 5:001E, 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 sufficient advised, the Commission finds that Joint Movants have demonstrated that they have a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that Joint Movants are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complication the proceedings, for the reasons discussed below.

² *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

KFTC is a nonprofit organization that advocates for a broad range of economic and energy issues. KFTC is a 41-year-old, multi-issue grassroots organization of Kentuckians whose members organize for a fair economy, a healthy environment, new safe energy, and an honest democracy. KFTC asserts that its members include numerous individuals across the Commonwealth who take service from utilities regulated by the Commission and who have been made parties to this case. As such, those individuals are directly impacted financially by proposed demand response measures and by the utilities' proposed cost recovery for these measures. KFTC asserts it is uniquely positioned to be a voice for the needs and interests of residential ratepayers of those utilities who are also KFTC members whose interests are not otherwise represented.

MA works with people and small businesses in eastern Kentucky and Central Appalachia to create economic opportunity, strengthen democracy, and support the sustainable use of natural resources. MA states that its energy programs work to strengthen the region's residents, small businesses, local governments, communities, and non-profits by helping to reduce energy costs and consumption, increase energy security, and build resilience in the face of climate change. MA states that it has worked with customers of Commission-regulated utilities over the last fifteen years providing financing to access investments in energy efficiency and renewable energy, resulting in reduced operating expenses. MA asserts that it has a special interest not otherwise represented because demand side management programs are vital to the work it engages in on behalf of its clients.

MHC is a nonprofit, nonpartisan membership organization of over 300 individual and organizational members. MHC members include representatives of low-income

households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, as well as other advocacy groups, advocating in a united voice for fair, accessible, and affordable housing in the Metro Louisville area. MHC claims that as part of its mission it has focused on electric and gas utility costs as part of fair and affordable housing. MHC also claims that it brings a perspective on the impact of decisions regarding resource planning for electric service and the particular and disproportionate impacts that utility costs have on access to affordable housing for fixed- and low-income individuals and families. MHC has also participated in demand side management case in the past before the Commission.

ETI is a small business that sells and services agricultural equipment to small farmers throughout Kentucky and the United States. In addition, since 2014 ETI has provided solar energy system consulting and project development services to customers in Central Kentucky through its Sustainable Systems and Apogee programs. ETI is a business with a commitment to environmental sustainability and has supplied most of its net electricity needs since 2011 with on-site net-metered solar PV systems. ETI has a public service program, called Apogee, the mission of which is to advance the transition to 100% clean renewable energy and solutions to the climate crisis through technical assistance, education, policy research, and advocacy. policy research, and advocacy. ETI argues that Apogee's clients and partners include families, farmers, small businesses, and non-profit organizations who seek to reduce their energy use, costs, and environmental impacts, and to employ renewable energy and energy efficient technologies. Apogee states that it is a participant in Louisville Gas and Electric Company's and Kentucky Utilities Company's demand side management advisory group

and that it has firsthand experience with the application of demand side strategies for reducing customer demand.

As stated in the motion to intervene the Joint intervenors have members that represent a wide variety of Kentucky ratepayers. The Joint Movants also represent a wide knowledge base that deal specifically with the matter at hand and have in depth experience with demand side management practices. Thus, the Joint Movants meet the second prong of the test under 807 KAR 5:001E, Section 4(11)(b) and are likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Based on the above, the Commission finds that Joint Movants are granted full rights of a party in this proceeding. The Commission directs Joint Movants to the Commission's July 22, 2021 Order in Case No. 2020-00085³ regarding filings with the Commission.

In light of Joint Movants' statement that they will speak as one party, the Commission finds that each of the Joint Movants shall file a separate copy of all documents that evidence their individual agreement regarding their joint participation in this matter, whether the agreement is executed by email in a written agreement.

IT IS HEREBY ORDERED that:

1. Joint Movants' motion to intervene is granted.

³ 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).

2. Joint Movants are 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. Joint Movants shall comply with all provisions of the Commission's regulations, 807 KAR 5:001E, Section 8, related to the service and electronic filing of documents.

4. Pursuant to 807 KAR 5:001E, Section 8(9), within seven days of service of this Order, Joint Movants 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.

5. Each of the Joint Movants shall file a separate copy with the Commission of their individual agreement regarding their joint participation in this matter within ten days of entering into the agreement.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
JUN 13 2023
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

*Aaron Baldwin
South Kentucky R.E.C.C.
200 Electric Avenue
Somerset, KY 42501

*J. Christopher Hopgood
Dorsey, Gray, Norment & Hopgood
318 Second Street
Henderson, KENTUCKY 42420

*Thomas J FitzGerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KENTUCKY 40602

*Alan Q. Zaring
Attorney at Law
Zaring & Sullivan Law Office, PSC
P.O. Box 226
New Castle, KENTUCKY 40050

*Clayton O Oswald
Taylor, Keller & Oswald, PLLC
1306 West Fifth Street, Suite 100
Post Office Box 3440
London, KENTUCKY 40743-3440

*Jackson Purchase Energy Corporation
Jackson Purchase Energy Corporation
6525 US Highway 60 W
Paducah, KY 42001

*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 6202
Lexington, KENTUCKY 40509

*David T Royse
Attorney At Law
Ransdell Roach & Royse PLLC
176 Pasadena Drive, Building I
Lexington, KENTUCKY 40503

*Hector Garcia
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Ashley Wilmes
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KENTUCKY 40602

*Deborah Day
Paralegal
Cumberland Valley Electric, Inc.
Highway 25E
P. O. Box 440
Gray, KY 40734

*Honorable James M Crawford
Crawford & Baxter, P.S.C. Attorneys at Law
523 Highland Avenue
P. O. Box 353
Carrollton, KENTUCKY 41008

*Honorable Allyson K Sturgeon
Managing Senior Counsel - Regulatory &
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Hon. Derrick Willis
Attorney at Law
Willis Law Office
P.O. Box 1500
Grayson, KENTUCKY 41143

*John Douglas Hubbard
Fulton, Hubbard & Hubbard
117 E. Stephen Foster Avenue
P.O. Box 88
Bardstown, KENTUCKY 40004

*Big Sandy R.E.C.C.
Big Sandy R.E.C.C.
504 11th Street
Paintsville, KY 41240

*Honorable Earl Rogers III
Attorney at Law
Campbell & Rogers
154 Flemingsburg Road
Morehead, KENTUCKY 40351

*Jeffrey Hohn
President
Kenergy Corp.
6402 Old Corydon Road
P. O. Box 18
Henderson, KY 42419

*Brittany H. Koenig
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 6202
Lexington, KENTUCKY 40509

*Farmers R.E.C.C.
Farmers R.E.C.C.
504 South Broadway
P. O. Box 1298
Glasgow, KY 42141-1298

*Jake A Thompson
Crawford & Baxter, P.S.C. Attorneys at Law
523 Highland Avenue
P. O. Box 353
Carrollton, KENTUCKY 41008

*Taylor County R.E.C.C.
Taylor County R.E.C.C.
625 West Main Street
P. O. Box 100
Campbellsville, KY 42719

*Nolin R.E.C.C.
Nolin R.E.C.C.
411 Ring Road
Elizabethtown, KY 42701-6767

*Blue Grass Energy Cooperative Corp.
Blue Grass Energy Cooperative Corp.
1201 Lexington Road
P. O. Box 990
Nicholasville, KY 40340-0990

*Kentucky Power Company
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*South Kentucky R.E.C.C.
South Kentucky R.E.C.C.
200 Electric Avenue
Somerset, KY 42501

*Clark Energy Cooperative, Inc.
Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

*Kevin Newton
System Planning Engineer
South Kentucky R.E.C.C.
200 Electric Avenue
Somerset, KY 42501

*Larisa Vaysman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Cumberland Valley Electric, Inc.
Cumberland Valley Electric, Inc.
Highway 25E
P. O. Box 440
Gray, KY 40734

*Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Mark David Goss
South Kentucky R.E.C.C.
200 Electric Avenue
Somerset, KY 42501

*East Kentucky Power Cooperative, Inc
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Kenergy Corp.
Kenergy Corp.
6402 Old Corydon Road
P. O. Box 18
Henderson, KY 42419

*Meade County R.E.C.C.
Meade County R.E.C.C.
P. O. Box 489
Brandenburg, KY 40108-0489

*Inter-County Energy Cooperative Corp
Inter-County Energy Cooperative Corporation
1009 Hustonville Road
P. O. Box 87
Danville, KY 40423-0087

*Duke Energy Kentucky, Inc.
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45202

*Martin Littrel
Pres. CEO
Meade County R.E.C.C.
P. O. Box 489
Brandenburg, KY 40108-0489

*Jackson Energy Cooperative Corporati
Jackson Energy Cooperative Corporation
115 Jackson Energy Lane
McKee, KY 40447

*Fleming-Mason Energy Cooperative, In
Fleming-Mason Energy Cooperative, Inc.
1449 Elizaville Road
P. O. Box 328
Flemingsburg, KY 41041

*W. Patrick Hauser
Attorney
Cumberland Valley Electric, Inc.
Highway 25E
P. O. Box 440
Gray, KY 40734

*Licking Valley R.E.C.C.
Licking Valley R.E.C.C.
P. O. Box 605
271 Main Street
West Liberty, KY 41472

*Owen Electric Cooperative, Inc.
Owen Electric Cooperative, Inc.
8205 Highway 127 North
P. O. Box 400
Owenton, KY 40359

*Louisville Gas and Electric Company
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Shelby Energy Cooperative, Inc.
Shelby Energy Cooperative, Inc.
620 Old Finchville Road
Shelbyville, KY 40065

*Sara Judd
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Salt River Electric Cooperative Corp
Salt River Electric Cooperative Corp.
111 West Brashear Avenue
P. O. Box 609
Bardstown, KY 40004

*Grayson R.E.C.C.
Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143

*Big Rivers Electric Corporation
Big Rivers Electric Corporation
710 West 2nd Street
P. O. Box 20015
Owensboro, KY 42304

*Rocco O D'Ascenzo
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Kentucky Utilities Company
Kentucky Utilities Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010