

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF KENTUCKY)	
UTILITIES COMPANY FOR APPROVAL OF AN)	CASE NO.
ECONOMIC DEVELOPMENT RIDER SPECIAL)	2022-00371
CONTRACT WITH BITIKI-KY, LLC)	

ORDER

This matter arises upon the motion of the Bitiki-KY, LLC (Bitiki), filed on November 10, 2022, for full intervention. As a basis for its motion, Bitiki stated that, as the counterparty to the proposed contract under review, Bitiki has a special interest that is not otherwise represented and is likely to assist the Commission in fully considering the matter without undue 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.¹

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

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

MOTION TO INTERVENE

As a basis for its motion, Bitiki explained that it is a counterparty to the special contract at issue in this proceeding. Bitiki further explained that it plans to invest \$25 million to build and develop a cryptocurrency mining facility located at Bitiki's coal mining operation in Waverly, Kentucky, that is expected to create up to five new jobs. Bitiki stated that its load will increase from its current 4 megawatts (MW) to 13 MW when the proposed facility is operating at full production and is expected to operate at a 95 percent load factor. Bitiki maintained that Kentucky Utilities Company (KU) will not incur additional investment to serve the proposed facility and that service to the proposed facility will increase KU's positive margins and reduce the fixed generation and transmission costs of other customers.

Bitiki argued that, as a contracting party with KU, that Bitki has a special interest in this proceeding that cannot be adequately represented by any other party. Bitiki also argued that, for the reasons discussed above, it will present issues and develop facts that will assist the Commission in fully considering this matter without unduly complicating or disrupting the proceeding.

DISCUSSION AND FINDINGS

Based on a review of the motion and being otherwise sufficiently advised, the Commission concludes that Bitiki's has a special interest arising from its unique position as a party to the contract and that Bitiki's special interest is not otherwise adequately represented. The Commission further concludes that Bitiki will present issues and

develop facts regarding the economic development rider contract's costs and benefits that will assist the Commission in fully considering the matter without unduly complicating the proceedings.

Based on the above, the Commission finds that Bitiki's motion to intervene should be granted. The Commission directs Bitiki to the Commission's July 22, 2021 Order in Case No. 2020-00085² regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Bitiki's motion to intervene is granted.
2. Bitiki 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.
3. Bitiki shall adhere to the procedural schedule set forth in the Commission's November 4, 2022 Order and as amended by subsequent Orders.
4. Bitiki 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.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Bitiki 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.

² 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).

PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner



ATTEST:



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