

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	)	2022-00395
CONTRACT WITH KRUGER PACKAGING	)	

ORDER

This matter arises upon the motion of the Kruger Packaging (Kruger), filed December 1, 2022, for full intervention. As a basis for its motion, Kruger stated that it has a special interest in these proceedings not otherwise adequately represented and that it will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Kruger is a Canadian corporation that manufactures publication papers, tissue, lumber and other wood products, corrugated cartons from recycled fibers, green and renewable energy, and wines and spirits.<sup>1</sup> Kruger stated that it plans to invest approximately \$114 million in a new production facility located in Elizabethtown, Kentucky that will create over 140 jobs.<sup>2</sup> Kruger is also the other signatory party to the economic development special contract that the Commission is reviewing in this case.

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<sup>1</sup> Kruger's Motion to Intervene (filed Dec. 1, 2022) at 1.

<sup>2</sup> Kruger's Motion to Intervene (filed Dec. 1, 2022) at 1-2.

## 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 not moved to intervene in this proceeding. Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>3</sup>

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 sufficient advised, the Commission finds that Kruger 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 discussed below.

As the only other party to the contract under review, Kruger has information unique to it that Kentucky Utilities Company (KU) does not otherwise possess. For example, Kruger may have information about its capital investment and job creation in Kentucky that will assist the Commission. Per the contract on file in this case, Kruger anticipates

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<sup>3</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

investing approximately \$114 million in a new facility in Elizabethtown, Kentucky and creating 147 new jobs in Kentucky.

As Kruger has satisfied one prong of 807 KAR 5:001, Section 4(11), it is not necessary to discuss the other prong of 807 KAR 5:001, Section 4(11). The regulation only requires that an intervenor satisfy one of the prongs in 807 KAR 5:001, Section 4(11).

Based on the above, the Commission finds that Kruger is granted full rights of a party in this proceeding. The Commission directs Kruger to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>4</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Kruger's motion to intervene is granted.
2. Kruger 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. Kruger 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. Kruger shall adhere to the procedural schedule set forth in the Commission's November 22, 2022 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Kruger shall file a written statement with the Commission that:
  - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

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<sup>4</sup> 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).

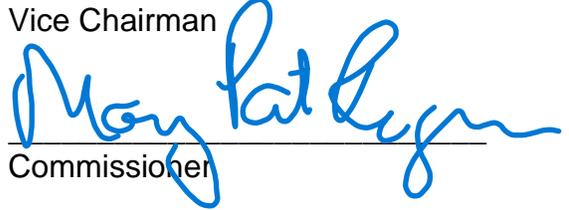
b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

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PUBLIC SERVICE COMMISSION

  
Chairman

Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

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