

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
KENTUCKY UTILITIES COMPANY AND)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
FOR CERTIFICATES OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY AND SITE)	2022-00402
COMPATIBILITY CERTIFICATES AND)	
APPROVAL OF A DEMAND SIDE MANAGEMENT)	
PLAN)	

ORDER

This matter arises upon the motion of the Metropolitan Housing Coalition (MHC), Kentuckians for the Commonwealth (KFTC), Kentucky Solar Energy Society (KYSES) and Mountain Association (MA) (collectively, Joint Intervenors), filed January 19, 2023, for full intervention. As bases for their motion, Joint Intervenors stated that they have a special interest in these proceedings not otherwise adequately represented and that they will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Louisville Gas and Electric Company and Kentucky Utilities Company (collectively, LG&E/KU) made no objection to Joint Intervenors' motion.

BACKGROUND

Each of the organizations joining this motion has related though distinct interests. MHC stated that its members include representatives of low-income households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, and other advocacy groups, advocating with a

united voice for fair, safe, and affordable housing in the Metro Louisville area. MHC asserted that it has focused on energy costs as part of its overall affordable housing advocacy.

KFTC stated that its members include approximately 2,864 households taking service within the LG&E service territory, and 2,877 households taking service in the KU service territory. KFTC also stated that it has been involved with issues affecting low-income residential ratepayers and has supported expert testimony in past rate cases.

KYSES argued that its mission is to promote the use of renewable energy resources, energy efficiency, and conservation in Kentucky. KYSES identified one of its members, Andy McDonald, who KYSES asserted had participated in other Commission proceedings and offered his expertise regarding solar energy. KYSES emphasized that it could assist the Commission as to the solar and battery projects proposed by LG&E/KU.

MA stated that its energy programs work to strengthen the Eastern Kentucky 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 also identified one of its members, Joshua Bills, who MA stated had participated in prior Commission cases. MA stated it would assist the Commission with its extensive knowledge of demand-side management, distributed generation, and least-cost planning.

After review of the DSM-EE advisory group meeting minutes that LG&E/KU filed with its application, all four of the organizations joining this motion participated in LG&E/KU's DSM-EE advisory group.¹

¹ Application, Direct Testimony of John Bevington, Exhibit JB-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 filed a motion to intervene in this case on November 21, 2022. The Commission granted the Attorney General's motion to intervene on November 30, 2022. 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 sufficiently advised, the Commission finds that Joint Intervenors are 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.

Joint Intervenors have demonstrated, among other things, that they have direct experience with DSM-EE programs, and renewable energy resources. The Commission expects those issues to come up in this matter and agrees that the participation of persons

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

with direct experience working with and in the interest of customers on those issues is likely to assist the Commission in fully considering those issues in this matter. Joint Intervenors have also asserted that they will speak with one voice and participate in this proceeding to develop a fuller and more robust case record. While there is some overlap in the experience and interests of some Joint Intervenors and Sierra Club, which has also filed a motion to intervene in this case, Joint Intervenors also represent the interests of lower-income households, so Joint Intervenors' position likely will not be duplicative. All of the organizations included in the joint motion have also previously participated in Commission cases. Thus, the Commission finds that Joint Intervenors are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings.

Based on the above, the Commission finds that Joint Intervenors should be granted full rights of a party in this proceeding.³ The Commission directs Joint Intervenors to the Commission's July 22, 2021 Order in Case No. 2020-00085⁴ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Joint Intervenors' motion to intervene is granted.
2. Joint Intervenors 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 The Commission makes no finding as to whether or not Joint Intervenors have a special interest.

⁴ 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).

3. Joint Intervenors 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. Joint Intervenors shall adhere to the procedural schedule set forth in the Commission's January 6, 2023 Order and as amended by subsequent Orders.

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

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ENTERED
FEB 07 2023 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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