

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR (1) A GENERAL)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC)	
SERVICE; (2) APPROVAL OF TARIFFS AND)	
RIDERS; (3) APPROVAL OF ACCOUNTING)	CASE NO.
PRACTICES TO ESTABLISH REGULATORY)	2023-00159
ASSETS AND LIABILITIES; (4) A)	
SECURITIZATION FINANCING ORDER; AND (5))	
ALL OTHER REQUIRED APPROVALS AND)	
RELIEF)	

ORDER

This matter arises upon the motion of SWVA Kentucky, LLC (SWVA), filed August 3, 2023, for full intervention. As a basis for its motion, SWVA stated that it has a unique, special interest that cannot be adequately represented by another party.¹ SWVA also stated that it would present issues and develop facts that will assist the Commission.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). Intervention by all others is permissive and is within the sole discretion of the Commission.³ The regulatory

¹ SWVA's Motion to Intervene (filed Aug. 3, 2023) at 1–2.

² SWVA's Motion to Intervene at 1–2.

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

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 SWVA has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented for the reasons discussed below.

The Commission finds that SWVA has a special interest in this proceeding. SWVA is not a member of Kentucky Industrial Utility Consumers, Inc. SWVA owns a steel production manufacturer.⁴ According to the motion, SWVA takes service from Kentucky Power Company (Kentucky Power) under Tariff C.S.-I.R.P..⁵ Under Tariff C.S.-I.R.P., Kentucky Power offers SWVA a discount in exchange for SWVA's commitment to curtail or interrupt its load, which in turn helps the Kentucky Power meet its PJM obligations.⁶ Additionally, to take service under C.S.-I.R.P, the customer is required to execute a written addendum setting forth the terms of service and basis for customer interruptions

⁴ SWVA's Motion to Intervene at 2.

⁵ SWVA's Motion to Intervene at 2.

⁶ SWVA's Motion to Intervene at 2–3.

which SWVA has executed and is on file with the Commission.⁷ SWVA has an interest not adequately represented by any other party. All of these factors support SWVA's special interest in this case.

Based on the above, the Commission finds that SWVA is granted full rights of a party in this proceeding. The Commission directs SWVA to the Commission's July 22, 2021 Order in Case No. 2020-00085⁸ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. SWVA's motion to intervene is granted.
2. SWVA 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. SWVA 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. SWVA shall adhere to the procedural schedule set forth in the Commission's July 20, 2023 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, SWVA shall file a written statement with the Commission that:
 - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

⁷ SWVA's Motion to Intervene at 2–3.

⁸ 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

ENTERED
AUG 16 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

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