

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR: (1) APPROVAL OF	)	
THE ROCKPORT OFFSET TRUE-UP AMOUNT;	)	
(2) APPROVAL TO COLLECT THE ROCKPORT	)	CASE NO.
OFFSET TRUE-UP THROUGH TARIFF	)	2024-00016
PURCHASE POWER ADJUSTMENT; AND (3)	)	
ALL OTHER REQUIRED APPROVALS AND	)	
RELIEF	)	

ORDER

This matter arises upon the motion of the Kentucky Industrial Utility Customers, Inc. (KIUC), filed February 14, 2024, for full intervention. As a basis for its motion, KIUC stated that its members Catlettsburg Refining LLC (Catlettsburg) and Marathon Petroleum LP (Marathon) interests cannot be adequately represented by an existing party. KIUC also stated that it would assist the Commission in developing facts.

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 was granted intervention in this matter on February 15, 2024. Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>1</sup>

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

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 KIUC has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that KIUC is 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.

KIUC stated the Attorney General has a statutory obligation to represent the interests of residential customers, not industrial customers. KIUC also stated that Marathon is Kentucky Power Company's (Kentucky Power) largest customer, representing 15 percent of Kentucky Power's energy sold. KIUC averred that Kentucky Power's request to recover a Rockport Offset True-Up amount of approximately \$18 million from customers will directly impact Marathon's electric rates.

KIUC also asserted that it can present issues and develop facts that will assist the Commission in rendering a decision without unduly complicating or disrupting the proceedings. KIUC pointed to its long history of being an active participant at the

Commission, and in Kentucky Power proceedings. KIUC stated it will be an active participant in this case.

Based on the above, the Commission finds that KIUC should be granted full rights of a party in this proceeding. The Commission directs KIUC to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>2</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. KIUC's motion to intervene is granted.
2. KIUC 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. KIUC 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. KIUC shall adhere to the procedural schedule set forth in the Commission's February 12, 2024 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, KIUC 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.

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<sup>2</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).

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner

ENTERED  
FEB 23 2024      bsb  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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