

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2025 INTEGRATED RESOURCE)	CASE NO.
PLAN OF EAST KENTUCKY POWER)	2025-00087
COOPERATIVE, INC.)	

ORDER

This matter arises upon the motion of the Sierra Club, filed April 24, 2025, for full intervention.¹ No party has filed a response in opposition to the motion. As a basis for its motion, Sierra Club stated that it satisfies both prongs of this standard.² Sierra Club states that it represents over 4,900 members in Kentucky, some of whom are customers of East Kentucky Power Cooperative, Inc. (EKPC) or its member cooperatives, and others who live, work, and recreate near EKPC's facilities.³ Sierra Club asserts that these members have economic, environmental, and public health interests in EKPC's resource planning decisions and that its organizational and procedural interests warrant participation.⁴

Sierra Club further states that it and its experts will provide input on EKPC's 2025 Integrated Resource Plan (IRP) with respect to federal environmental regulations, least-cost planning, and demand-side management assumptions, among other topics.⁵ Sierra

¹ Sierra Club's Motion to Intervene (Motion) (filed Apr. 24, 2025).

² Motion at 2.

³ Motion at 3.

⁴ Motion at 3.

⁵ Motion at 4 and 7-8.

Club has participated in similar proceedings before this Commission and in other jurisdictions and asserts that its participation will aid the Commission in evaluating whether EKPC's proposed portfolio meets statutory standards.⁶

LEGAL STANDARD

The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), has the statutory right to intervene in Commission cases pursuant to KRS 367.150(8)(b). The Attorney General was granted intervention in this case by Order dated April 2, 2025.⁷ With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.⁸

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 Sierra Club 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.

⁶ Motion at 2.

⁷ Order (Ky. PSC Apr. 2, 2025).

⁸ KRS 164.2807.

Sierra Club's interest in environmental and public health issues associated with fossil fuel generation and the transition to cleaner energy resources is distinct from the general ratepayer and economic interests typically represented by the Attorney General. While Sierra Club's motion does not identify by name individual members directly impacted by EKPC's IRP, it commits to doing so, if required⁹ and cites prior Commission recognition of its organizational standing in similar proceedings. Accordingly, the Commission finds Sierra Club satisfies the first prong of 807 KAR 5:001, Section 4(11)(b).

Although Sierra Club also asserts that its participation will aid the Commission's consideration of the IRP, the Commission notes that many of the claims in the motion are generalized and not closely tied to the specific modeling assumptions, scenarios, or resource choices presented in EKPC's IRP. Therefore, the Commission declines to find that Sierra Club has satisfied the second prong but concludes that intervention is appropriate based on the first prong alone.

Based on the above, the Commission finds that Sierra Club should be granted full rights of a party in this proceeding. The Commission directs Sierra Club to the Commission's July 22, 2021 Order in Case No. 2020-00085¹⁰ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Sierra Club's motion to intervene is granted.

⁹ Motion at 3, footnote 5.

¹⁰ 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).

2. Sierra Club 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. Sierra Club 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. Sierra Club shall adhere to the procedural schedule set forth in the Commission's April 10, 2025 Order¹¹ and as amended by subsequent Orders.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Sierra Club shall file a written statement with the Commission that:

a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

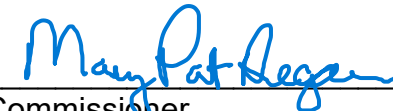
b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

¹¹ Order (Ky. PSC Apr. 11, 2025).

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ATTEST:

 RP
Executive Director



*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Greg Cecil
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Heather Temple
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

*Toland Lacy
Office of the Attorney General
700 Capital Avenue
Frankfort, KY 40601

*Jacob Watson
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Joe F. Childers
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KY 40507

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204