

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR AN ADJUSTMENT OF)	CASE NO.
ITS ELECTRIC RATES AND APPROVAL OF)	2025-00113
CERTAIN REGULATORY AND ACCOUNTING)	
TREATMENTS)	

ORDER

This matter arises upon the motion of the Kentuckians for the Commonwealth (KFTC), Kentucky Solar Energy Society (KYES), and Mountain Association (MA) (collectively, Joint Movants) timely filed June 25, 2025, for full intervention.

As a basis for its motion, Joint Movants 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.¹ Joint Movants stated that they will neither complicate nor disrupt proceedings since the discovery, testimony, and witnesses will be jointly offered by the organizations, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case.²

MOTION

KFTC is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky with its principal office located at 131 North Mill Street,

¹ Joint Movants' Motion to Intervene (filed June 25, 2025) at 7-8.

² Motion to Intervene at 7-8.

London, Kentucky 40743.³ KFTC pays electric rates to KU at this principal office.⁴ Joint Movants argued that KFTC has a particularized interest and expertise in the impacts of rates charged by Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU), (jointly, LG&E/KU), including effects on low-income ratepayer-members in Jefferson County and Central Kentucky, and across the state.⁵ KFTC's members include ratepayers that bear the costs and risks of utility rate-making, and have a direct interest in supporting reasoned decision-making by a well-informed regulator by putting forward expertise on rate-making and effects on low-income Kentuckians and Kentuckians of color, including from members who participate regularly in the organization's New Energy and Transition (NET) Committee and energy justice working groups.⁶

KYSES is a non-profit corporation in good standing, incorporated in the Commonwealth of Kentucky, with its principal office at 215 Oxford Place Louisville 40207.⁷ Joint Movants explained that KYSES is comprised of members who include residential solar energy customers taking service from LG&E and KU in its service territory; solar energy enthusiasts (including potential future solar customers); professionals working in the clean energy field in business, nongovernmental organizations, and academia; and advocates for a transition to a clean energy economy.⁸

³ Motion to Intervene at 3.

⁴ Motion to Intervene at 3.

⁵ Motion to Intervene at 9.

⁶ Motion to Intervene at 4.

⁷ Motion to Intervene at 4.

⁸ Motion to Intervene at 4.

Joint Movants argued that KYSES has a particularized interest and expertise in implementation of solar energy and renewables, including rate-making and the effects of rates upon current net metering-2 (NMS-2) customers, as well as behind-the-meter alternatives to utility-scale projects.⁹ Joint Movants stated that KYSES' expertise in renewable energy and energy conservation will advance the development of a complete record and well-informed decision-making, particularly regarding the effects of net metering tariffs on current and prospective solar customers, as well as the relation to other avoided supply-side alternatives.¹⁰

MA is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with an office at 433 Chestnut Street, Berea, Kentucky, 40403.¹¹ Joint Movants explained that MA works with people in Eastern Kentucky and Central Appalachia to create economic opportunity, strengthen democracy, and support the sustainable use of natural resources.¹² Joint Movants argued that MA has a particularized interest and expertise in the effects of rate-making on communities, low-income individuals, and small businesses in Eastern Kentucky.¹³ Joint Movants explained that MA staff have direct experience collaborating with LG&E/KU customers to help them to understand, reduce, and afford energy bills, and develop more resilient and reliable energy resources, including behind-the-meter alternatives impacted by tariffs at issue.¹⁴

⁹ Motion to Intervene at 9.

¹⁰ Motion to Intervene at 9.

¹¹ Motion to Intervene at 5.

¹² Motion to Intervene at 6.

¹³ Motion to Intervene at 9.

¹⁴ Motion to Intervene at 9-10.

Joint Movants argued that interest and experience includes economic development needs and trends in central Kentucky and statewide, another matter particularly at issue in this proceeding.¹⁵.

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 by Order dated May 27, 2025. With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.¹⁶

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 the Joint Movants are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings for the reasons discussed below.

¹⁵ Motion to Intervene at 10.

¹⁶ KRS 164.2807.

KFTC offers decades of experience in addressing the needs of Kentucky's low-income residential customers and its focus on the transition to clean energy will assist the Commission in evaluating KU's application comprehensively and efficiently without undue complication. KYSES will assist the Commission in evaluating KU's application, specifically when it comes to issues of net-metering and avoided cost calculations. MA will assist in developing the record related to affordability and issues specific to Eastern Kentucky and Central Appalachia. Therefore, the Commission finds that Joint Movants have demonstrated that they likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings, which is sufficient because only one prong must be met.

Based on the above, the Commission finds that Joint Movants should be granted full rights of a party in this proceeding. The Commission directs Joint Movants to the Commission's July 22, 2021 Order in Case No. 2020-00085¹⁷ regarding filings with the Commission.

In light of Joint Movants' statement that they will speak as one party, the Commission finds that each of the Joint Movants should file a separate copy of all documents that evidence their individual agreement regarding their joint participation in this matter, whether the agreement is executed by email in a written agreement.

IT IS HEREBY ORDERED that:

1. Joint Movants' motion to intervene is granted.

¹⁷ 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. Joint Movants 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. Joint Movants 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. Joint Movants shall adhere to the procedural schedule set forth in the Commission's June 18, 2025 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, Joint Movants 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.

6. Each of the Joint Movants shall file a separate copy with the Commission of their individual agreement regarding their joint participation in this matter within ten days of entering into the agreement.

PUBLIC SERVICE COMMISSION


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Commissioner

ATTEST:


Executive Director



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