

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR APPROVAL OF (1) A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO MAKE THE CAPITAL	)	
INVESTMENTS NECESSARY TO CONTINUE	)	CASE NO.
TAKING CAPACITY AND ENERGY FROM THE	)	2025-00175
MITCHELL GENERATING STATION AFTER	)	
DECEMBER 31, 2028, (2) AN AMENDED	)	
ENVIRONMENTAL COMPLIANCE PLAN, (3)	)	
REVISED ENVIRONMENTAL SURCHARGE	)	
TARIFF SHEETS, AND (4) ALL OTHER	)	
REQUIRED APPROVALS AND RELIEF	)	

ORDER

This matter arises upon the motion of Sierra Club, filed on August 6, 2025, for full intervention. As a basis for its motion, Sierra Club stated that it has 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.

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 has requested

and been granted intervention in this matter.<sup>1</sup> With limited exceptions, intervention by all others is permissive and within the sole discretion of the Commission.<sup>2</sup>

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.

### BACKGROUND

Sierra Club stated that it moved to intervene in this proceeding on behalf of itself and its members who live and purchase utility services in Kentucky, many of whom are residential customers of Kentucky Power Company (Kentucky Power). Sierra Club stated that it is a national, nonprofit environmental and conservation organization. Sierra Club stated that it has approximately 2.1 million members and supporters across its 64 chapters, covering all 50 states, the District of Columbia, and Puerto Rico. Sierra Club stated that more than 4,900 Kentuckians belong to Sierra Club's Kentucky Chapter.<sup>3</sup>

Sierra Club argued that the Commission should grant Sierra Club full intervention because it is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings. Sierra Club stated that this proceeding involves complex questions that implicate its expertise,

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<sup>1</sup> Order (Ky. PSC Aug. 7, 2025).

<sup>2</sup> KRS 164.2807.

<sup>3</sup> Sierra Club's Motion to Intervene (filed Aug.6, 2025) at 3.

including “the prudence of Kentucky Power’s plan to comply with the ELG Rule by spending tens of millions of dollars on capital investments to retain its interest in Mitchell past 2028, rather than foregoing those investments.”<sup>4</sup> Sierra Club asserted that it plans on developing the record in this case through discovery, potential expert testimony, witness examination, and briefing, which it indicated would aid the Commission by scrutinizing the Company’s decision-making, elucidating viable alternatives and their risks and costs, gathering data, potentially supplying expert analysis, and otherwise informing the consideration of whether the proposed projects and their requested costs will result in reliable service and reasonably minimize costs and risks.<sup>5</sup>

Sierra Club also argued that it has special interests that are not adequately represented. Sierra Club explained that it has members who are customers and ratepayers of Kentucky Power, who fund Kentucky Power’s operations, and the Commission’s decision about whether to approve the application in this matter. In addition, Sierra Club stated that its members live within the Kentucky Power service territory and, therefore, are impacted by the economic, public health, and environmental effects of the resource decisions that Kentucky Power makes.<sup>6</sup>

### DISCUSSION AND FINDINGS

Sierra Club has experience with cases addressing issues like those likely to be addressed in this case and has previously presented testimony regarding such issues in cases. Further, Sierra Club is represented by counsel with experience before the

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<sup>4</sup> Sierra Club’s Motion to Intervene at 5-6.

<sup>5</sup> Sierra Club’s Motion to Intervene at 6.

<sup>6</sup> Sierra Club’s Motion to Intervene at 6-8.

Commission and has indicated that it will comply with Commission rules and orders. Thus, based on a review of the record and being otherwise sufficient advised, the Commission finds that Sierra Club is 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.

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. 2020-00085<sup>7</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Sierra Club's motion to intervene is granted.
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 August 1, 2025 Order, 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:

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<sup>7</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).

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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PUBLIC SERVICE COMMISSION

  
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Chairman

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
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ATTEST:

  
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