

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR 1) A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A MECHANICAL DRAFT COOLING)	CASE NO.
TOWER AT THE MITCHELL PLANT 2))	2026-00001
APPROVAL OF CERTAIN REGULATORY AND)	
ACCOUNTING TREATMENTS, AND 3) ALL)	
OTHER REQUIRED APPROVALS AND RELIEF)	

ORDER

This matter arises upon the motion of the Kentucky Industrial Utility Customers, Inc. (KIUC), filed March 11, 2026, for full intervention. As a basis for its motion, KIUC stated that it has a special interest in the proceeding because its member Catlettsburg Refining, LLC, a subsidiary of Marathon Petroleum LP (Marathon), is served by Kentucky Power Company (Kentucky Power), and its interest cannot be adequately represented by an existing party.¹ KIUC also stated that it is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand.²

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

¹ KIUC's Motion to Intervene (filed March 11, 2026) at 2.

² KIUC's Motion to Intervene at 2.

Commission cases pursuant to KRS 367.150(8)(b). With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.³

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 sufficiently 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 complicating or disrupting the proceedings for the reasons discussed below.

KIUC asserted that it would present issues and develop facts related to electric rates and service that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.⁴ KIUC stated that its member Catlettsburg Refining LLC, is a subsidiary of Marathon, which is the largest customer on the Kentucky Power system, purchasing approximately 15 percent of all energy sold at

³ KRS 164.2807.

⁴ KIUC's Motion to Intervene at 2.

retail by Kentucky Power.⁵ Finally, KIUC pointed to its long history of being an active participant in matters before the Commission and stated it will be an active participant in this case, should its intervention request be granted.⁶ There are no objections on record to KIUC's motion to intervene,

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. 2020-00085⁷ 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 regulation 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 March 6, 2026 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:

⁵ KUIIC's Motion to Intervene at 2.

⁶ KUIIC's Motion to Intervene at 2.

⁷ 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

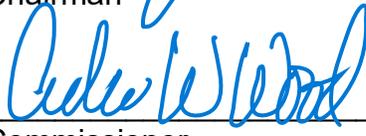
b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

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PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:

Executive Director



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