

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 Sierra Club, filed March 13, 2026, 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 in that it has members who are customers of Kentucky Power Company (Kentucky Power) and will bear the costs of Kentucky Power’s operational and investment decision, and are impacted by the economic, public health, and environmental impacts of such decisions.<sup>1</sup> Sierra Club also stated it will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings as it has in previous cases,<sup>2</sup> and that it is represented by experienced counsel and will comply with all Commission rules and deadlines, as it has in the past.<sup>3</sup>

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<sup>1</sup> Sierra Club’s Motion to Intervene (filed Mar. 13, 2026) at 11.

<sup>2</sup> Sierra Club’s Motion to Intervene at 7, and 10.

<sup>3</sup> Sierra Club’s Motion to Intervene at 11.

## 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). With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.<sup>4</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.

## 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 previous cases before the Commission. Further, Sierra Club is represented by counsel with experience before the Commission and has indicated that it will comply with Commission rules and orders. Thus, based on a review of the record and being otherwise sufficiently 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

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<sup>4</sup> KRS 164.2807.

Commission's July 22, 2021 Order in Case No. 2020-00085<sup>5</sup> regarding filings with the Commission.

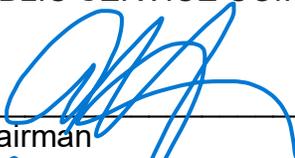
IT IS HEREBY ORDERED that:

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

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<sup>5</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

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

ATTEST:

  
\_\_\_\_\_  
Executive Director

ENTERED  
MAR 23 2026  
AB  
KENTUCKY PUBLIC  
SERVICE COMMISSION

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