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July 30, 2020

VIA ELECTRONIC FILING

Mr. Kent Chandler
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: Case No. 2020-00174, *Electronic Application of Kentucky Power Company for (1) a General Adjustment of Its Rates for Electric Service; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) Approval of a Certificate of Public Convenience and Necessity; and (5) All Other Required Approvals and Relief*

Dear Mr. Chandler:

Please find attached for electronic filing with the Kentucky Public Service Commission the Motion to Intervene of SWVA Kentucky, LLC ("SWVA"), in the above-referenced matter.

All parties are being served a copy of this document and the Motion to Intervene in accordance with the attached Certificate of Service. As stated in the Certificate of Service, I affirm that the materials in the electronic submission are a true representation of the materials in paper medium.

Please contact me if you have any questions about the enclosed filing.

Respectfully Submitted,

Hon. Michael A. Frye (Kentucky I.D. No. 90246)
Jenkins Fenstermaker, PLLC
325 Eighth Street
Huntington, WV 25701-2225
Phone: (304) 523-2100
Email: maf@JenkinsFenstermaker.com
Local Counsel for SWVA Kentucky, LLC

Attachment
cc: Certificate of Service

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:)
)
Electronic Application Of Kentucky Power)
Company For (1) A General Adjustment Of Its)
Rates For Electric Service; (2) Approval Of) **Case No. 2020-00174**
Tariffs And Riders; (3) Approval Of Accounting)
Practices To Establish Regulatory Assets and)
Liabilities; (4) Approval Of A Certificate Of)
Public Convenience And Necessity; And (5) All)
Other Required Approvals And Relief)

**MOTION TO INTERVENE OF
SWVA KENTUCKY, LLC**

Pursuant to 807 KAR 5:001, Section 4(11), KRS 278.310, and KRS 278.040(2), SWVA Kentucky, LLC (“SWVA”) respectfully requests that the Kentucky Public Service Commission (the “Commission”) permit it to intervene in the above-captioned proceeding and states in support thereof as follows:

1. On June 29, 2020, Kentucky Power Company (“Kentucky Power” or the “Company”) filed an Application for (1) a general adjustment of its rates for electric service; (2) approval of tariffs and riders; (3) approval of accounting practices to establish regulatory assets and liabilities; (4) approval of a certificate of public convenience and necessity; and (5) all other required approvals and relief.
2. On July 14, 2020, the Commission issued an order suspending the Company’s proposed rates for five months and setting the procedural schedule in the above captioned case.
3. Under KAR 5:001, Section 4(11)(b), the Commission will grant leave to intervene if the Commission finds that the movant filed a “timely motion for intervention” and that the movant has shown (1) “that he or she has a special interest in the case that is not otherwise

adequately represented” or (2) “that his or her intervention 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.”

4. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission’s jurisdiction.
5. SWVA owns a steel production facility located at 2704 S. Big Run Rd. West, Ashland, Kentucky.
6. SWVA is a relatively new customer of Kentucky Power, having started its operations at the facility in Ashland, Kentucky late 2018.
7. SWVA purchased the facility after the previous owner permanently closed it on financial grounds.
8. SWVA’s goals are to grow its business in Ashland and to preserve and add high-quality manufacturing jobs there.
9. As evidenced by the shuttering of steel manufacturing operations in Kentucky, the global steel manufacturing industry is highly competitive.
10. SWVA purchases large quantities of electricity from Kentucky Power.
11. In a globally competitive industry that is energy intensive, electric power rates are important to the viability of business operations.
12. In light of the significant amounts of electricity that SWVA purchases from Kentucky Power, the significance of the cost of electricity to sustainable steel manufacturing operations and SWVA’s goals for the facility, changes to Kentucky Power’s rates may substantially impact SWVA’s operational goals.

13. Given the aforementioned facts, SWVA has a special interest that is not adequately represented by another party.
14. The addition of SWVA as a party to this case will not unduly complicate or disrupt the proceedings.
15. The attorney representing SWVA in this case is:

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WHEREFORE, SWVA respectfully requests that it be granted leave to intervene and be made party to the above-captioned proceeding.

Respectfully Submitted,

By: 

Hon. Michael A. Frye (Kentucky I.D. No. 90246)

Jenkins Fenstermaker, PLLC

325 Eighth Street

Huntington, WV 25701

Phone: (304) 523-2100

Email: maf@JenkinsFenstermaker.com

Local Counsel for SWVA Kentucky, LLC

Dated: July 30, 2020

CERTIFICATE OF SERVICE

I hereby certify that SWVA's July 30, 2020, electronic filing is a true and accurate copy of the Motion to Intervene; and that on July 30, 2020, the electronic filing has been transmitted to the Commission. Pursuant to the Commission's Orders dated March 16, 2020 and March 24, 2020, in Case No. 2020-00085, and in accordance with all other applicable law, counsel certifies that an electronic copy of the foregoing was served by email to the following. SWVA, by and through its counsel, will serve a physical copy of this filing with the Commission within 30 days after the Governor lifts the current State of Emergency.

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Hon. Michael A. Frye
(Kentucky I.D. No. 90246)