

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

In the Matter of:

ELECTRONIC 2020 INTEGRATED)	CASE NO.
RESOURCE PLAN OF BIG RIVERS)	2020-00299
ELECTRIC CORPORATION)	

MOTION TO INTERVENE BY SIERRA CLUB

Pursuant to K.R.S. § 278.310 and 807 K.A.R. 5:001 § 4(11)(a), Sierra Club, on behalf of its members who are ratepayers of Big Rivers Electric Corporation (“Big Rivers” or “the Company”), respectfully moves the Commission for full intervention in the above-captioned case. Having actively participated as intervenor in other integrated resource plan (“IRP”) dockets, general rate cases, certificate of public convenience and necessity (“CPCN”) dockets, and demand-side management (“DSM”) proceedings, in Kentucky as well as other jurisdictions, Sierra Club has experience with, and expertise, various planning issues at issue in this docket. The Commission granted Sierra Club’s intervention in Big Rivers’ 2014 and 2017 IRP proceedings,¹ in addition to two of its rate cases² and its 2012 CPCN filing³; and Sierra Club participated in a Focused Management and Operations Audit of Big Rivers.⁴ If granted intervention in the instant case, Sierra Club will again use its experience and expertise to present issues and develop facts that will assist the Commission in fully considering Big Rivers’ 2020 IRP.

¹ *In re: The 2017 Integrated Resource Plan of Big Rivers Electric Corporation*, Case No. 2017-00384; *In re: 2014 Integrated Resource Plan of Big Rivers Electric Corporation*, Case No. 2014-00166. Sierra Club has also previously intervened in the IRP dockets of several other Kentucky utilities companies.

² Case No. 2013-00199, *Application of Big Rivers Electric Corporation for a General Adjustment in Rates*; Case No. 2012-00535, *Application of Big Rivers Electric Corporation for an Adjustment of Rates*.

³ Case No. 2012-00063, *Application of Big Rivers Electric Corporation for Certificate of Public Convenience and Necessity and Approval of Its Compliance Plan for Recovery by Environmental Surcharge*.

⁴ Focused Management and Operations Audit of Big Rivers Electric Corporation, Prepared for The Kentucky Public Service Commission (Dec. 8, 2015) (“Management Audit”).

I. SIERRA CLUB AND ITS REPRESENTED MEMBERS

Sierra Club seeks to intervene in a representational capacity on behalf of its members who are residential customers of Big Rivers, including Mr. Ben Taylor. These Sierra Club members who are residential customers of Big Rivers are directly affected by the Company's resource plans, and planning processes, because these members' electricity rates will be impacted by those plans. Mr. Taylor is a long-time Sierra Club member who is a customer of Kenergy Corporation, a Big Rivers distribution cooperative. The address at which he takes service is: 419 Yelvington Grandview Road, Maceo, Kentucky 42355-9749.

Sierra Club is one of the oldest and largest conservation groups in the country. Sierra Club has approximately 3.5 million members and supporters across its sixty-four chapters, covering all fifty states, the District of Columbia, and Puerto Rico. More than 6,300 Kentuckians belong to Sierra Club's Kentucky Chapter. Sierra Club seeks to act on behalf of its individual members, whose interests align with Sierra Club's in this proceeding. The Kentucky Chapter's address is: Sierra Club, Kentucky Chapter, PO Box 1368, Lexington, KY 40588.

Sierra Club has many years of experience working on energy and electric generation issues throughout the United States, including in Kentucky. Sierra Club advocates for robust, cost-effective investments in demand response, energy storage, energy efficiency, and renewable energy, which produce safe and sustainable jobs while also reducing electric system costs for customers and utilities, meanwhile reducing reliance on decreasingly-economical fossil-based generation. Sierra Club seeks intervention to bring to this proceeding its expertise in evaluating whether Big Rivers has fully and fairly considered all reasonable options to develop a least-cost, least-risk resource plan that meets its customers' needs. Sierra Club will also explore how interceding developments since Big Rivers filed its 2020 IRP (e.g., the 2020 elections), as well

as likely prospective developments, may have already altered, or be poised to alter, Big Rivers' current planning, and what the Company should consider ahead of its next IRP.

I. THE COMMISSION SHOULD GRANT SIERRA CLUB'S MOTION

The Commission shall grant a timely motion to intervene if it finds either that the movant “has a special interest in the case that is not otherwise adequately represented *or* that 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.” 807 K.A.R. 5:001 § 4(11)(b) (emphasis added). Sierra Club satisfies either of those two independently sufficient bases for timely intervention.⁵ The Commission may grant intervention on either basis without opining on the other. In each of the past Big Rivers dockets cited above in which the Commission granted Sierra Club's intervention, the Commission has done so in the past by granting intervention on the former ground without reaching the latter.

Foremost, Sierra Club should be granted 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.” 807 K.A.R. 5:001 § 4(11)(b). An IRP should consider the full range of supply- demand-side resources, and should comprehensively account for the costs and risks facing such resources. Sierra Club will explore in discovery, and provide comments on, whether Big Rivers has identified a least-cost, least-risk plan in light of the substantial loss of demand the utility needs to serve; the full range of regulatory, capital, operating, and fuel costs that its generating plants face; and the increasing availability of low-cost renewable energy, demand response, energy storage, and energy efficiency resources. Hence, Sierra Club's participation here will “assist the commission in fully considering” these

⁵ This Motion is timely filed, in accordance with the procedural schedule in Commission's January 12, 2021, Order in this case.

important issues. 807 K.A.R. 5:001 § 4(11)(b). Notably, in permitting Sierra Club’s participation in the Management Audit process, the Commission found Sierra Club’s views and positions to be “important contributions to be considered by the consultant in preparing the audit report.”⁶ And to illustrate further, the Staff Report on Big Rivers’ 2014 IRP cited approvingly to several recommendations made by Sierra Club.⁷ As in those proceedings, Sierra Club will be a valuable, active participant in this case. Meanwhile, Sierra Club’s participation will not unduly complicate or disrupt the proceedings, and Sierra Club’s advocacy will not be unduly duplicative of that of any other party to this case. Sierra Club is represented by experienced counsel and will comply with all Commission rules and deadlines, as it has routinely done in the past.

In the alternative, Sierra Club should be granted intervention for the independently sufficient reason it “has a special interest in the case that is not otherwise adequately represented.” 807 K.A.R. 5:001 § 4(11)(b). Sierra Club and its members’ desires to promote cost-effective clean energy, energy storage, demand response, and energy efficiency resources in Kentucky are unique in degree and in kind, and relate directly to the issues involved in reviewing and commenting on Big Rivers’ IRP. Sierra Club’s interests are not adequately represented by the current or potential intervenors in this proceeding. At the time this Motion was finalized on February 5, 2021, the Commission has granted intervention only to the Attorney General, and the Attorney General has previously explicitly disavowed the notion that his office is able or necessarily inclined to fully represent the issues of Sierra Club and its members—or of any other one intervening party.

⁶ *In re Application of Big Rivers Electric Corporation for a General Adjustment in Rates Supported by Fully Forecasted Test Period*, Case No. 2013-00199, Order, June 6, 2014, at 4.

⁷ *See In re 2014 Integrated Resource Plan of Big Rivers Electric Corporation*, Case No. 2014-00166, Staff Report at 20-21 (adopting Sierra Club’s critiques that the IRP should have “included some number of scenarios in which not all of Big Rivers’ generating units operated for the entire planning period” as well as “scenarios in which it does not secure the desired 800 MW of replacement load,” and agreeing with Sierra Club’s belief that a delay in retiring generating units could lead to a costlier outcome); *id.* at 30 (sharing Sierra Club’s concern that there was too large a gap between the level of DSM/EE Big Rivers proposed and the significantly higher achievable potential amounts found in the DSM/EE potential study that Big Rivers had carried out by GDS).

II. CONCLUSION

For the reasons above, Sierra Club respectfully requests that the Commission grant Sierra Club's Motion to Intervene.

Dated: February 5, 2021

Respectfully submitted,



Of counsel
(not licensed in Kentucky):

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CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of the MOTION TO INTERVENE BY SIERRA CLUB in this action is being electronically transmitted to the Commission on February 5, 2021; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Per the Commission's general standing Order issued in Case No. 2020-00085 on March 16, 2020, this filing will not be mailed in paper medium to the Commission.



JOE F. CHILDERS