

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE)	
GAS AND ELECTRIC COMPANY FOR AN)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC)	
AND GAS SERVICE, A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
DEPLOY ADVANCED METERING)	CASE NO.
INFRASTRUCTURE, APPROVAL OF CERTAIN)	2020-00350
REGULATORY AND ACCOUNTING)	
TREATMENTS, AND ESTABLISHMENT OF A)	
ONE-YEAR SURCREDIT)	

**JOINT MOTION OF METROPOLITAN HOUSING COALITION, KENTUCKIANS
FOR THE COMMONWEALTH, AND KENTUCKY SOLAR ENERGY SOCIETY FOR
FULL INTERVENTION AS JOINT INTERVENORS**

Come now the Metropolitan Housing Coalition (MHC), Kentuckians for the Commonwealth (KFTC), and the Kentucky Solar Energy Society (KYSES)(collectively “Movants”), and by and through counsel, move for leave to participate as full Joint Intervenors into this case. In support of their motion to intervene, MHC, KFTC, and KYSES state as follows:

1. Intervention in formal proceedings before the Kentucky Public Service Commission (“Commission”) is within the sound discretion of the Commission and is governed by 807 KAR 5:001 Section 4(11), which provides in relevant part that:

A person who wishes to become a party to a case before the Commission may, by timely motion, request leave to intervene. [] The motion shall include the movant’s name and address and shall state his or her interest in the case and how 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.

807 KAR 5:001 Section 4(11).

2. This motion for intervention is timely, since under the *Order* entered on December 9, 2020 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed prior to December 23, 2020. Movants, if granted Joint Intervenor status, will accept and abide by the procedural schedule, including the filing of any Intervenor testimony and response to any data requests from any party, so that there is no prejudice to the applicant or other parties from the grant of full intervenor status to Movants at this time.

3. Movants' interests are different than those of the existing parties, including the Office of Attorney General, and their participation is "likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings."

4. Existing parties to the proceeding do not adequately represent the interests of Movants. No current party represents the specific perspective and interests of Movants, as is discussed below.

5. 907 KAR 5:001 Section 4(11)(b) provides that the Commission will grant full intervention status if the person "has special interests in the case that is not otherwise adequately represented" or "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.” The special interests of Movants in the pending rate case are squarely within the ambit of the Commission’s jurisdiction over rates and service, and as noted above and discussed below, are not adequately represented by existing parties. The participation of MHC, KFTC, and KYSES as Joint Intervenors will neither complicate or disrupt the proceedings, since the discovery, testimony, and witnesses will be jointly offered by the three organizations, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case.

6. Alternatively, full joint intervention should be granted since the participation of Movants would assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding.

7. MHC is a nonprofit, nonpartisan membership organization incorporated under the laws of the Commonwealth of Kentucky in 1989 and comprised of over 300 individual and organizational members. MHC members include representatives of low-income households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, as well as other advocacy groups, advocating in a united voice for fair, safe, and affordable housing in the Metro Louisville area. For almost three decades, the MHC has

utilized the public and private resources of the Metro Louisville community to provide equitable, accessible housing choices for all persons through advocacy, public education, and through support for affordable housing providers.

8. As part of its mission, MHC has focused on electric and gas utility costs as part of fair and affordable housing for many years. The MHC 2008 *State of Metropolitan Housing Report* focused on utility costs and affordable housing, as did the follow-up MHC 2013 report on *How to Lower Utility Costs*. Utility costs are a significant component of affordable shelter and on these issues, MHC has done research, effectively advocated for policy changes, represented non-profit affordable housing developers, and worked with local and statewide organizations. MHC was an original board member of the Affordable Energy Corporation. MHC brings a perspective on the impact of rate adjustments for electric and gas service and the particular and disproportionate impacts that such rate increases have on access to affordable housing for fixed- and low-income individuals and families, and has been an active member of the LG&E Customer Care Advisory Group since the program's inception and a member of the LG&E-KU Energy Efficiency Advisory Group. MHC is also on the Community Winter Help Board. In 2016, MHC worked with LG&E to update the *How to Lower Utility Costs: A Guide to Louisville*

Programs for Energy Efficient Improvements and Resources to Help Pay a Utility Bill that MHC had first written and published in 2013.

9. MHC has a \$800,000-dollar loan pool for non-profit developers to create affordable housing, whether rental or owner-occupied, new or rehabilitated. MHC mandates energy efficiency measures and encourages alternative energy provision as a method of better controlling electricity costs. A non-profit developer that has used solar power in multi-family housing construction has expressed concern about the increased disincentive to use solar power due to the proposed rate structure changes and the elimination of 1:1 netting.

10. MHC is concerned with the proposed increase in electric and gas basic service charges, since those increases tend to fall heaviest on the poor and elderly utility customers. Meter charge increases are inelastic and low-income persons cannot limit their cost in a meter charge. The impact of increased electric and gas rates on the provision of affordable housing is to raise the utility costs for ratepayers that can least afford such increases.

11. In Cases No. 2011-00134, 2014-00003, 2014-00372, and 2016-00371 the Commission acknowledged that MHC's intervention is "likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings."

12. Kentuckians For The Commonwealth (KFTC), a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky with its principal office located at 131 North Mill Street, London, Kentucky 40743, is a 39-year-old, multi-issue grassroots organization of Kentuckians inspired by a vision, working for a brighter future for all people, no matter our color, where we come from, or how much money we have. Together, KFTC members organize for a fair economy, a healthy environment, new safe energy, and an honest democracy. KFTC has fourteen chapters across the state -including a prominent chapter in Louisville whose members are ratepayers in LG&E service territory - with 12,000 members in nearly all of Kentucky's 120 counties.

13. As an organization, KFTC has been involved with issues affecting low-income residential ratepayers for over 30 years, and has significant experience in educating the public and supporting both public comments and expert testimony in previous rate cases, and has gained a deep understanding of both the complexities of rate design and the interests of residential customers across the state. As a member-based organization with 2,883 KFTC members in the LG&E service territory, KFTC is uniquely positioned to be a voice for the needs and interests of LG&E residential ratepayers who are also KFTC members. These members include LG&E ratepayer Kathryn (Beth) Bissmeyer.

14. Without limitation, KFTC would address through the Joint Intervention the concerns of Kentucky solar customers and prospective solar customers in the maintenance of a fair net metering tariff for rooftop solar in the region as a way to manage energy costs and improve public health, and the concerns of members with low- and fixed-incomes with the fairness of the proposed rate structure and design, and cost allocation. KFTC will also address, through the Joint Intervention, concerns that the rate proposal disincentivizes energy efficiency and would pose a financial burden on households already facing a huge energy cost burden, in the middle of a pandemic. KFTC will also focus on the justification of the proposed capital investment of smart meters, to assure that they are of real value to ratepayers. Finally, KFTC will focus on the impact of the proposed net metering tariff on LG&E ratepayers.

15. It is clear that KFTC has a special interest in the case that is “not otherwise adequately represented” and alternatively that KFTC’s participation as a Joint Intervenor “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.”

16. The Kentucky Solar Energy Society, Inc. (KYSES) is a non-profit corporation in good standing, incorporated under the laws of the Commonwealth of Kentucky, with its principal office at 4715 Southern Parkway, Louisville, Kentucky 40214. The mission of KYSES is to promote the

use of renewable energy resources, energy efficiency, and conservation in Kentucky through education, advocacy, networking, and demonstration of practical applications.

17. KYSES is comprised of members who include residential solar energy customers in the LG&E service territory; solar energy enthusiasts (including potential future solar customers); professionals working in the clean energy field in business, non-governmental organizations, and academia; and advocates for a transition to a clean energy economy.

18. Andy McDonald, who is the KYSES vice-chair, participated in PSC Case No.2008-00169 on behalf of Appalachia-Science in the Public Interest (ASPI). In this capacity McDonald helped produce the Kentucky Interconnection and Net Metering Guidelines which resulted from this collaborative case. He has continued during the subsequent 12 years to work with solar energy in Kentucky, and his anticipated testimony would bring both historical knowledge and relevant recent experience to the net metering tariff and solar valuation issues.

19. Without limitation, KYSES would, as one of the organizations comprising the Joint Intervenors, present testimony and evidence concerning the importance of a net metering policy and tariff that is simple, predictable, and which fairly values the energy produced by solar customers through a comprehensive cost and benefit analysis.

20. It is clear that KYSES has a special interest in the case that is “not otherwise adequately represented” and alternatively that KYSES’s participation as a Joint Intervenor “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.”

WHEREFORE, for the reasons stated above, Joint Movants MHC, KFTC, and KYSES respectfully request to be accorded the status of full Joint Intervenors, and that each party to the case be directed to serve upon the undersigned counsel, all future pleadings and documents that are filed in this case.

Respectfully submitted,



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Metropolitan Housing Coalition,
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CERTIFICATE OF SERVICE

This is to certify that electronic version of the Joint Motion of Metropolitan Housing Coalition, Kentuckians for the Commonwealth, and Kentucky Solar Energy Society For Full Intervention As Joint Intervenors, is a true and accurate copy of the same document being filed in paper

medium; that the electronic filing has been transmitted to the Commission on December 21, 2020; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that in accordance with the March 16, 2020 Commission Order in Case No. 2020-00085 an original and ten copies in paper medium of the Motion will not be mailed until after the lifting of the current state of emergency.

A handwritten signature in black ink, appearing to read 'Tom FitzGerald', with a long horizontal stroke extending to the right.

Tom FitzGerald