

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTONIC APPLICATION OF EAST KENTUCKY)
POWER COOPERATIVE INC. FOR A GENERAL) CASE NO. 2021-00103
ADJUSTMENT OF RATES, APPROVAL OF)
DEPRECIATION STUDY, AMORTIZATION OF)
CERTAIN REGULATORY ASSETS, AND OTHER RELIEF)

MOTION TO INTERVENE OF APPHARVEST MOREHEAD FARM, LLC.

AppHarvest Morehead Farm, LLC (“AppHarvest Morehead”), by counsel, hereby petitions the Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001, Section 4(11) for intervention in the above-styled matter. In support of its motion, AppHarvest states the following:

1. 807 KAR 5:001, Section 4(11)(a)(1) requires that a person requesting leave to intervene as a party to a case before the Kentucky Public Service Commission (“Commission”), by timely motion, must 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.

2. 807 KAR 5:001, Section 4(11)(b) provides that the Commission shall grant a person leave to intervene if the Commission finds that he or she has made a timely motion for intervention and that he or she has a special interest 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.

3. AppHarvest Morehead is a wholly-owned subsidiary of AppHarvest Operations, Inc., which is a wholly-owned subsidiary of AppHarvest, Inc., a developer and operator of applied technology large-scale controlled indoor farms. AppHarvest, Inc. expects to have developed 12 such farms by the end of 2025. The first such farm is operated by AppHarvest Morehead, which is an end-use customer located in the Fleming-Mason Energy Cooperative (“Fleming-Mason”) service territory. Fleming-Mason is in turn provided with generation and transmission (“G&T”) service by East Kentucky Power Cooperative, Inc. (“EKPC” or “Company”). AppHarvest Morehead, which currently employs approximately 350 persons at the farm, harvested and sold its first crop of tomatoes in January 2021. Two additional AppHarvest farms are under construction in Madison County, both of which are also located in EKPC’s territory.

4. The matters being decided by the Commission in this case will undoubtedly have a significant impact on the rates paid by AppHarvest Morehead for electricity. Electricity represents a significant cost of doing business for AppHarvest Morehead.

5. The attorneys for AppHarvest Morehead authorized to represent them in this proceeding and to take service of all documents are:

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6. AppHarvest Morehead has filed a timely motion to intervene in this proceeding.

7. AppHarvest Morehead’s interest cannot be adequately represented by any

existing party. While the Kentucky Attorney General's Office of Rate Intervention is statutorily charged with representing the interests of "consumers" pursuant to KRS 367.150(8), that duty relates primarily to residential customers. In contrast, AppHarvest Morehead's interest is exclusively related to being a large energy-intensive customer taking service as an industrial customer pursuant to an Industrial Power Agreement With Interruptible Service and Economic Development Rider ("IPA") entered into between AppHarvest Morehead, EKPC and Fleming Mason. The uniqueness of the service is further manifested by a two-level Contract Demand provided in the IPA to reflect the seasonal impact on the use of electricity required for the grow lights.

8. The position of AppHarvest cannot be adequately represented by any existing party. Further, AppHarvest intends to play a constructive role in the Commission's decision-making process.

9. AppHarvest is committed to not unduly complicate or disrupt the proceedings.

WHEREFORE, AppHarvest requests that it be granted full intervenor status in the above-captioned proceeding.

Respectfully submitted,

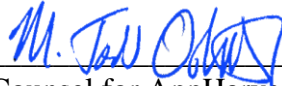


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Attorneys for AppHarvest Morehead

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that the April 23, 2021, electronic filing of this document is a true and accurate copy of the same document being filed in paper medium; that the electronic filing will be transmitted to the Commission on April 23, 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original paper medium of the Petition for Confidential Treatment will be delivered to the Commission within two business days.

A handwritten signature in blue ink, appearing to read "M. J. O'Connell", is written over a horizontal line.

Counsel for AppHarvest