

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

In the Matter of:

ELECTRONIC 2021 INTEGRATED)	CASE NO.
RESOURCE PLAN OF DUKE)	2021-00245
ENERGY KENTUCKY, INC.)	

SIERRA CLUB’S MOTION TO INTERVENE

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 Duke Energy Kentucky, Inc. (“Duke” 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—as well as general rate cases, certificate of public convenience and necessity (“CPCN”) dockets, and demand-side management (“DSM”) proceedings—in Kentucky and other jurisdictions, Sierra Club has experience with, and expertise in, various planning issues at issue in this docket. The Commission has previously granted Sierra Club’s intervention in several IRP proceedings,¹ in other PSC cases. Here, Sierra Club will again use its experience and expertise to present issues and develop facts that will assist the Commission in fully considering Duke’s 2021 IRP.

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 Duke. These Sierra Club members are directly affected by the

¹ See, e.g., Case No. 2020-00299, *Electronic 2020 Integrated Resource Plan of Big Rivers Electric Corporation*; Case No. 2018-00348, *Electronic 2018 Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*; Case No. 2017-00384, *In re: The 2017 Integrated Resource Plan of Big Rivers Electric Corporation*; Case No. 2014-00166, *In re: 2014 Integrated Resource Plan of Big Rivers Electric Corporation*.

Company's resource plans, and planning processes, as their electricity rates will be impacted by those plans. Ian Stuart is one such Sierra Club member who is a residential customer of Duke.

The address at which Mr. Stuart takes service is 2268 W Horizon Dr, Hebron, Kentucky 41048.

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 cost-effective investments in demand response, energy storage, energy efficiency, and renewable energy, which reduce electric system costs for customers and utilities, while reducing reliance on uneconomical fossil-based generation and creating new, sustainable jobs. Sierra Club seeks intervention to bring to this proceeding its expertise in evaluating whether Duke has fully and fairly considered all reasonable options to develop a reasonable, least-cost resource plan that meets its customers' needs and properly takes into account current information and foreseeable risks. Sierra Club will explore how recent and prospective developments may alter the Company's 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.² The Commission may grant intervention on either basis without opining on the other.

In each of the many past dockets cited above in which the Commission granted Sierra Club’s intervention, the Commission has done so by granting intervention on the former ground without reaching the latter. 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 Duke has identified a reasonable, least-cost plan; the range of costs and risks 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 important issues. 807 K.A.R. 5:001 § 4(11)(b). Notably, in permitting Sierra Club’s participation in a previous Management Audit process of another Kentucky utility company, the Commission found Sierra Club’ views and positions to be “important contributions to be considered by the consultant in preparing the audit report.”³ In addition, the Staff Report on a past IRP of another Kentucky utility company cited approvingly to several recommendations made by Sierra Club.⁴

² This Motion is timely filed, in accordance with the procedural schedule in Commission’s September 9, 2021, Order in this case.

³ *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.

⁴ 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

As in those proceedings, Sierra Club will be a valuable, active participant in this case. Further, 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 Duke's 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, only the Attorney General has moved to intervene in this proceeding, 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.

II. CONCLUSION

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

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).

Dated: September 16, 2021

Respectfully submitted,



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(not licensed in Kentucky):

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Counsel for Sierra Club

CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of SIERRA CLUB'S MOTION TO INTERVENE in this action is being electronically transmitted to the Commission on September 16, 2021; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



JOE F. CHILDERS