

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

In the Matter of:

ELECTRONIC 2021 JOINT)	
INTEGRATED RESOURCE PLAN)	CASE NO.
OF LOUISVILLE GAS AND)	2021-00393
ELECTRIC COMPANY AND)	
KENTUCKY UTILITIES COMPANY)	

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 Louisville Gas & Electric Company (“LG&E”) or Kentucky Utilities Company (“KU”) (together the “Companies”), respectfully moves the Commission to permit their full intervention in the above-captioned case. Sierra Club has actively participated as intervenor in many integrated resource plan (“IRP”) dockets in Kentucky—including the Companies’ 2018 IRP docket, among others—in addition to rate cases, certificate of public convenience and necessity (“CPCN”) dockets, and demand-side management (“DSM”) proceedings. Sierra Club has experience with, and expertise in, a range of resource planning issues, including a number at issue in this docket.¹ Sierra Club will again present issues and develop facts that will assist the Commission in fully considering the Companies’ 2021 IRP.

I. SIERRA CLUB AND ITS MEMBERS

Sierra Club seeks to intervene in a representational capacity on behalf of its members who are residential customers of the Companies. These Sierra Club members are directly

¹ See Case No. 2018-00348, *Electronic 2018 Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*; see also, e.g., Case No. 2021-00245, *Electronic 2021 Integrated Resource Plan of Duke Energy Kentucky, Inc.*; Case No. 2020-00299, *Electronic 2020 Integrated Resource Plan of Big Rivers Electric Corporation*.

affected by the Companies' resource plans, and planning processes, as the residential electricity rates will ultimately be impacted by those plans. These Sierra Club members include Alice Howell and Carl Vogel, who are KU residential customers; and Amy Waters and Joe Dutkiewicz, who are LG&E customers. These individuals, among other Sierra Club members, have longstanding interests in their respective utilities supplying lower-cost and cleaner energy options. Ms. Howell and Mr. Vogel's address is 918 Aurora Ave., Lexington, KY 40502, while Ms. Waters and Mr. Dutkiewicz's address is 539 E. Oak St., Louisville, KY 40203.

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 the Companies have fully and fairly considered all reasonable options to develop a reasonable, least-cost resource plan that meets their customers' needs and properly takes into account current information and foreseeable risks. In general, Sierra Club will explore how recent and prospective developments may alter the Companies' current planning, and what the Companies should consider ahead of

their 2024 IRP. More specific issues that Sierra Club will explore include the Companies' RTO analysis and their payments to the Ohio Valley Electric Corporation ("OVEC"), which the Commission has previously recognized is appropriately addressed in IRP proceedings,² among other particular issues.

II. 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.³ The Commission may grant intervention on either basis without opining on the other. In each of the many past dockets in which the Commission granted Sierra Club's intervention, the Commission has done so on the former basis without reaching the latter.

Sierra Club should be granted intervention because it is again "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 the Companies have identified a reasonable, least-cost plan; the range of costs and risks that their generating plants face; and the increasing availability of low-cost

² E.g., Order (Apr. 30, 2019), *Electronic Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates*, Case No. 2018-00295, at 29.

³ This Motion is timely because it is filed ahead of the intervention deadline, which the Commission has yet to identify in this case.

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, the Commission has previously found Sierra Club's views and positions to be "important contributions to be considered by the consultant in preparing the audit report."⁴ In addition, the Staff Report on a past IRP of another Kentucky utility company cited approvingly to several recommendations made by Sierra Club.⁵ As in those and other 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 issues implicated in the Companies' 2021 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

⁴ *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.

⁵ *See In re 2014 Integrated Resource Plan of Big Rivers Electric Corporation*, Case No. 2014-00166, Staff Report at 20-21, 30.

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.

III. CONCLUSION

For the reasons above, Sierra Club respectfully requests that the Commission grant Sierra Club’s Motion to Intervene in this case.

Dated: October 25, 2021

Respectfully submitted,



Of counsel
(not licensed in Kentucky):

Matthew E. Miller, Esq.
Sierra Club
2528 California St
Denver, CO
Phone: (517) 230-7420
Email: matthew.miller@sierraclub.org

Joe F. Childers, Esq.
Childers & Baxter PLLC
300 Lexington Building
201 West Short Street
Lexington, KY 40507
Phone: (859) 253-9824
Fax: (859) 258-9288
Email: joe@jchilderslaw.com

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 October 25, 2021; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



JOE F. CHILDERS