

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

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

Come now the Metropolitan Housing Coalition (MHC), Kentuckians for the Commonwealth (KFTC), Kentucky Solar Energy Society (KYSES) AND Mountain Association (MA) (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, KYSES and MA 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 November 12, 2021 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed prior to December 13, 2021. Movants, if granted Joint Intervenor status, will accept and abide by the procedural schedule, including the filing of any Intervenor comments, data requests, 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 in the 2021 Joint Integrated Resource Plan of Louisville Gas & Electric Company and Kentucky Utilities Company (LGE/KU IRP) 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 and their members. 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 utility rates and service, and as noted above and discussed below, are not adequately represented by existing parties. The participation of MHC, KFTC, KYSES, and MA as Joint Intervenors will neither complicate or disrupt the proceedings, since the discovery, testimony, and witnesses will be jointly offered by the four organizations, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case. Joint Intervenors have participated in past cases involving LG&E and KU and have neither complicated nor disrupted those proceedings.

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 decisions regarding resource planning for electric service and the particular and disproportionate impacts that utility costs 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 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 renewable energy provision as a method of better controlling electricity costs.

10. 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."

11. 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 prominent chapters in Louisville and Lexington whose members are ratepayers in LG&E and KU

service territories - with 12,000 members in nearly all of Kentucky's 120 counties.

12. 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 rate cases and has gained a deep understanding of the needs of residential customers across the state for energy efficiency, demand side management, and a healthy energy system, and the consequences for communities of the transition to clean energy.

As a member-based organization with 2,883 KFTC members who take service within the LG&E service territory, and 2878 members who take service in the KU service territory, KFTC is uniquely positioned to be a voice for the needs and interests of LG&E and KU residential ratepayers who are also KFTC members. These members include LG&E ratepayer Kathryn (Beth) Bissmeyer and KU ratepayer Catherine Clement.

13. 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.”

14. 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 215 Oxford Place Louisville 40207. 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.

15. KYSES is comprised of members who include residential solar energy customers in the LG&E and KU service territories; 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.

16. Andy McDonald, CEM, is a member of KYSES and formerly served as KYSES vice-chair. McDonald 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 that collaborative case. Currently, Andy McDonald, is participating as an employee of Earth Tools Inc., in Case No. 2020-00302, *Electronic Investigation of Interconnection and Net Metering Guidelines*. Earth Tools, Inc. and MA are Joint Intervenors in Case 2020-00302.

He has continued during the subsequent 13 years to work with solar energy in Kentucky and brings both historical knowledge and relevant recent experience to the issues addressed in the LGE/KU IRP. He is also a net metering customer of KU.

17. 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.”

18. Mountain Association (MA), a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with its office at 433 Chestnut Street, Berea, Kentucky, 40403, works with people in eastern Kentucky and Central Appalachia to create economic opportunity, strengthen democracy, and support the sustainable use of natural resources. MA’s energy programs work to strengthen the region’s residents, small businesses, local governments, communities, and non-profits by helping to reduce energy costs and consumption, increase energy security, and build resilience in the face of climate change. MA has worked with Kentucky Utilities Company (KU) customers over the last thirteen (13) years providing financing to access investments in energy efficiency and renewable energy, resulting in reduced operating expenses. At the same time, MA has assisted energy contractors with

technical trainings and equipment financing to grow their businesses. On December 4, 2020, Kentucky Energy and Environment Cabinet (EEC) Secretary Rebecca Goodman announced MA as the recipient of the 2020 Environmental Pacesetter Award, given for innovative efforts in protecting the environment and setting an example of environmental stewardship.

19. Joshua Bills, CEM, is the Commercial Energy Specialist for MA, and previously participated in the collaborative administrative case before this Commission that established the tariff and interconnection provisions for jurisdictional electric utilities under Kentucky's original "net metering" law, 2008-00169. Currently, Mr. Bills, is participating as an employee of MA in Case No. 2020-00302, *Electronic Investigation of Interconnection and Net Metering Guidelines*. Mountain Association and Earth Tools, Inc. are Joint Intervenors in Case 2020-00302.

20. It is clear that MA "has special interests in the case that is not otherwise adequately represented" and alternatively 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."

21. If granted Joint Intervenor status, the Movants will provide comments and as permitted, testimony regarding the proposed 2021 LGE/KU IRP in this case. As has been shown through the participation of

Joint Intervenors in Case Nos. 2020-00349 and 2020-00350, Joint Intervenors possess significant information and a unique perspective concerning the integration of renewable energy, energy conservation, and demand side/non wires options for addressing utility customer needs at the lowest reasonable cost, that will assist in the full and fair exploration of these issues in the context of the 2021 LGE/KU IRP.

22. Among the requirements established by 807 KAR 5:058 for IRPs are “the utility's resource assessment and acquisition plan for providing an adequate and reliable supply of electricity to meet forecasted electricity requirements at the lowest possible cost.” The plan must consider “the potential impacts of selected, key uncertainties and shall include assessment of potentially cost-effective resource options available to the utility.” Among the options to be considered for inclusion in the plan are “improvements to and more efficient utilization of existing utility generation, transmission, and distribution facilities,” “conservation and load management or other demand-side programs not already in place,” “expansion of generating facilities, including assessment of economic opportunities for coordination with other utilities in constructing and operating new units,” and “assessment of nonutility generation, including generating capacity provided by cogeneration, technologies relying on renewable resources, and other nonutility sources.” Joint Intervenors have extensive familiarity and working knowledge of DSM, conservation,

renewable energy and other mechanisms for addressing customer energy needs that will assist in the Commission's review of the IRP and the reasonableness of the assumptions concerning the role that such measures can play in meeting customer needs in a reasonable low-cost manner.

23. Among the issues on which the Joint Intervenors will provide comment and testimony are the alignment of the 2021 LGE/KU IRP and projected generation mix in 2036, with the announced goals of LGE/KU Parent PPL Corporation of decarbonizing generation, advancing clean power generation and leveraging future technologies, maintaining reliability and affordability, and enabling third-party decarbonization.

24. The combined companies LGE/KU project that they will generate 31,337 GWh of energy in 2021, 77.7% from coal, 21.1% from gas, 1.1% from hydro, and 0.05% from solar.¹ In 2036 they expect to generate 30,883 GWh of energy, 51.5% from coal, 29.0% from gas, 1.2% from hydro, and 18.3% from solar. Thus, over a fifteen (15) year period, the projected reliance on fossil fuels is reduced from 98% to only 80%, and on solar, increases from near zero at present only to 18% by 2036. Over the near term, (first three years of the IRP), the changes are minimal.

25. Among the issues to be explored in this IRP are what options have been and could be considered to better align the LGE/KU planning

¹ Table 8-18, 2021 IRP Vol. I, p. 8-31.

process with PPL's commitment "to helping deliver a net-zero carbon future while keeping energy reliable and affordable for our customers and communities." If granted intervenor status, Joint Movants will explore and comment on the extent to which the resource planning assumptions made and options evaluated fully capture the "opportunities" that "[t]he transition to a clean energy future offers . . . for us to further reduce our environmental impact, invest in new infrastructure, empower customers with new options, and drive innovation that benefits society and delivers value to [LGE/KU and PPL] shareowners."²

WHEREFORE, for the reasons stated above, Joint Movants MHC, KFTC, KYSES, and MA 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,



Tom FitzGerald, Esq.
Ashley Wilmes, Esq.
Kentucky Resources Council, Inc.
P.O. Box 1070
Frankfort, KY 40602
(502) 551-3675
FitzKRC@aol.com

² From PPL website <https://www.pplweb.com/sustainability/climate-action/>

Ashley@kyrc.org

*Counsel for Joint Movants,
Metropolitan Housing Coalition,
Kentuckians for the Commonwealth,
Kentucky Solar Energy Society and
Mountain Association*

CERTIFICATE OF SERVICE

This is to certify that electronic version of the Joint Motion of Metropolitan Housing Coalition, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, and Mountain Association 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 7, 2021 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



Tom FitzGerald