

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

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
AMERICAN ELECTRIC POWER COMPANY, INC.,)	
KENTUCKY POWER COMPANY AND LIBERTY)	CASE NO.
UTILITIES CO. FOR APPROVAL OF THE)	2021-00481
TRANSFER OF OWNERSHIP AND CONTROL OF)	
KENTUCKY POWER COMPANY)	

MOTION TO INTERVENE BY SIERRA CLUB

Pursuant to K.R.S. § 278.310 and 807 K.A.R. 5:001 § 4(11)(a), on behalf of its members who are ratepayers of Kentucky Power Company (“KPC”), and thus stand to become ratepayers of Liberty Utilities Company (“Liberty”) after the transfer in question in this proceeding, Sierra Club respectfully moves the Commission for full intervention in the above-captioned case. KPC, its parent company, American Electric Power Company (“AEP”), and Liberty have together requested a certificate of public convenience and necessity (“CPCN”) for authority to transfer the ownership of all issued and outstanding common stock of KPC from AEP to Liberty (the “Transaction”), as detailed in the Application filed on January 4, 2022, in this matter.

Sierra Club and its members are interested in the consequences of the proposed Transaction, including its implications on electricity rates, on the nature of the portfolio of generation and demand-side management that will furnish power to ratepayers, and on job growth in the Commonwealth, among other issues. Sierra Club has valuable experience and expertise bearing on these and other issues potentially implicated by this docket, and in the legal standards at hand. Moreover, Sierra Club was an intervening party in the Commission’s recent general investigatory docket pertaining to KPC, KPC’s CPCN docket concerning the Mitchell

plant, and KPC's last rate case; and also attended the preliminary informal meeting about this matter among the applicants, the stakeholders / prospective parties, and Commission staff on December 10, 2021. Accordingly, Sierra Club has considerable familiarity with the issues at hand and, as the Commission has recognized in numerous cases (including recent KPC dockets), "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." 807 K.A.R. 5:001 § 4(11)(b). Sierra Club therefore asks the Commission to grant this Motion.

I. MOVANT

One of America's oldest and largest conservation groups, Sierra Club has more than 3.5 million members and supporters, across all fifty states, the District of Columbia, and Puerto Rico. More than 6,300 Kentuckians belong to Sierra Club's Kentucky Chapter, a number of whom are currently residential customers of KPC. One such member-ratepayer is Amelia "Mimi" Pickering, who takes service at 14 Church Street, Whitesburg, KY 41858. Sierra Club seeks to act on behalf of its KPC-ratepaying members, whose interests align with Sierra Club's in these proceedings. Sierra Club's address is: Sierra Club, Kentucky Chapter, PO Box 1368, Lexington, KY 40588.

Sierra Club is interested in, and knowledgeable about, resource planning, capital investments, rate designs, utility structuring; and their consequences for fair, just, and reasonable rates, for local economic growth, and for cleaner, healthier, sustainable energy sources. Sierra Club routinely provides insightful testimony and useful argument on these questions, developing the record and assisting commissions in identifying pathways that are lawful, practicable, cost- and risk-minimizing, and otherwise a reasonable way of providing reliable service to ratepayers. Sierra Club also understands how different corporate owners and structures bear on the above.

II. THE COMMISSION SHOULD GRANT MOVANT'S FULL INTERVENTION

Sierra Club satisfies either of the two independently sufficient bases for timely intervention. First, Sierra Club will smoothly aid the Commission's full consideration of the matters at hand, as it has done in the past. In the alternative, Sierra Club has a special interest not otherwise adequately represented in this case. The Commission may grant intervention on either basis without opining on the other, and has done so in the past by granting Sierra Club's intervention based on the former ground.

In the first place, 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). With its aforementioned experience, expertise, and prerogatives, Sierra Club's participation in this case, through discovery, comments, hearing examination, and/or briefing, will help to explore and elucidate whether and how the proposed Transaction is "for a proper purpose and is consistent with the public interest." KRS 278.020(7). Sierra Club will not only "assist the commission in fully considering" the issues, but will do so without unduly complicating or disrupting the proceedings. 807 K.A.R. 5:001 § 4(11)(b). Sierra Club is represented by experienced counsel and will comply with all Commission rules and deadlines, as 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." *Id.* Sierra Club is interested in cost-effective clean energy solutions, which can lower rates while protecting public health, promoting sustainable economic growth, and mitigating climate change, which the applicants in this case have respectively stated is a priority to them. Sierra Club's interests are "special," *id.*, because they are quantitatively unique (its

members generally value the aforementioned interest more deeply than the rate-paying community at large) as well as qualitatively unique (its members advocate for, invest in, and otherwise champion the interest in exceptional ways). Finally, the interests are “not otherwise adequately represented” in the case, *id.*, because no other party has either the same expertise or the inclination to advocate in the same ways that Sierra Club will. The Attorney General’s office, for one, has neither the capacity nor the inclination (as the office has stated in the past) to fully represent Sierra Club’s more focused interests. The office must represent the values and prerogatives of ratepayers generally—a broad, mixed obligation that has at times caused his office to take positions at odds with Sierra Club. Meanwhile, Sierra Club’s special interests are not adequately represented by any other intervenor, whose interests are distinct.

III. CONCLUSION

For the foregoing reasons, Sierra Club respectfully requests that the Commission grant Sierra Club’s full intervention in these proceedings.

Dated: January 7, 2022

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of this MOTION TO INTERVENE BY SIERRA CLUB in this action is being electronically transmitted to the Commission on January 7, 2022; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



JOE F. CHILDERS