

**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 UTILITIES CO.)	Case No.
FOR APPROVAL OF THE TRANSFER OF OWNERSHIP)	2021-00481
AND CONTROL OF KENTUCKY POWER COMPANY)	

LS Power Development, LLC’s
Motion to Intervene

Comes LS Power Development, LLC (“LS Power”), by and through counsel, pursuant to 807 KAR 5:001, Section 4(11), KRS 278.310, and other relevant authority, and hereby moves the Kentucky Public Service Commission (“Commission”) for an order granting it full intervenor status in this proceeding. In support of this motion LS Power states as follows:

1. The Commission’s regulations, at 807 KAR 5:001, Section 4(11)(a)(1), require that a person requesting leave to intervene as a party to a Commission case, must by timely motion, 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. The Commission’s regulations, at 807 KAR 5:001, Section 4(11)(b), provide that the Commission shall grant leave to intervene if it finds that the movant has made a timely motion for intervention, and has a special interest in the case that is not otherwise adequately represented

or that the intervention is likely to present issues or develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

3. LS Power Development, LLC, is a Delaware Limited Liability Company having a mailing address of One Tower Center Blvd., 21st Floor, East Brunswick, NJ 08816, and an email address of irny@lspower.com. LS Power Development, LLC, and its affiliates (collectively, “LS Power”) is a development, investment and operating company focused on the North American power and energy infrastructure sector. Since its inception in 1990, in addition to its development of more than 660 miles of high voltage transmission, LS Power has developed, constructed, managed or acquired more than 45,000 MW of power generation, including utility-scale solar, wind, hydro, natural gas-fired and battery energy storage projects. Additionally, through affiliated entities LS Power invests in renewables and energy storage. Across its efforts, LS Power has raised in excess of \$47 billion in debt and equity financing to support North American infrastructure.

4. LS Power is in a unique position both as an electric customer and electric generator in Kentucky Power’s territory and a developer of renewable and energy storage resources in both the state of Kentucky and PJM that gives it a special interest in the case that cannot be adequately represented by any other entity. LS Power’s affiliate, Riverside Generating Company, L.L.C. (“Riverside”), receives electric service from Kentucky Power Company (“Kentucky Power” or the “Company”) and is a PJM capacity resource located in Kentucky Power’s territory. Additionally, LS Power has affiliates that are developing solar projects across multiple sites in the State of Kentucky with active interconnection requests.

5. The change in Kentucky Power’s ownership which is the subject of this transfer of control case is expected to have impacts on all of its electric customers as the Company’s cost structure and supply mix are projected to change over time as plans are implemented to replace

the existing supply mix with renewable resources. LS Power's Riverside facility in Kentucky Power's territory is served by the Company under Tariff I.G.S. (Industrial General Service) and will be directly impacted by such changes. Furthermore, as an electric customer, developer and generator, LS Power has interests in the cost competitiveness, procurement and reliability of the Company's future supply mix and the Company's stated intention to evaluate future participation in PJM. Riverside earns nearly all of its revenues from the PJM energy, capacity and ancillary services markets. As such, Riverside will be impacted by any changes in the Company's rates, the Company's plans regarding its future supply mix and reliability and, most importantly, its evaluation of future participation in PJM. Furthermore, LS Power is actively developing solar resources in Kentucky that will also be impacted by Kentucky Power's plans regarding its future supply mix, the competitiveness of supply procurement and its evaluation of future participation in PJM.

6. LS Power's motion to intervene is timely pursuant to the Commission's January 6, 2022 procedural Order.

7. LS Power has a special interest in this case as described above. Moreover, that interest cannot and will not be adequately represented by any existing party, including the Kentucky Attorney General, since his statutory duty to represent the interests of consumers under KRS 367.150(8), relates almost exclusively to residential customers. LS Power's interest principally resides in its status as an industrial customer of Kentucky Power.

8. LS Power's intervention would not unduly complicate or disrupt the proceedings. To the contrary, LS Power's intervention is likely to present issues or develop facts that will assist the Commission in fully considering vital case issues. LS Power's experience in the PJM Market

and its unique status as both a customer of Kentucky Power and a generator in Kentucky Power's service territory, will provide assistance to the Commission that no other intervenor can offer.

WHEREFORE, LS Power respectfully requests that it be granted full intervenor status in this transfer of control proceeding.

This 11th day of January, 2022.

Respectfully Submitted,

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**COUNSEL FOR LS POWER
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CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of LS Power Development, LLC's Motion to Intervene is being electronically transmitted to the Commission on January 11, 2022; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no hard copies of this filing will be made.

Mark David Goss

Counsel for LS Power Development, LLC