

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

In The Matter Of: :  
 :  
 :  
 ELECTRONIC JOINT APPLICATION OF AMERICAN : **Case No 2021-00481**  
 ELECTRIC POWER COMPANY, INC., KENTUCKY POWER :  
 COMPANY AND LIBERTY UTILITIES CO. FOR APPROVAL :  
 OF THE TRANSFER OF OWNERSHIP AND CONTROL OF :  
 KENTUCKY POWER COMPANY :  
 \_\_\_\_\_

---

**MOTION TO INTERVENE OF  
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

---

Pursuant to 807 KAR 5:001, Section 4(11), KRS 278.310, and KRS 278.040(2), Kentucky Industrial Utility Customers, Inc. (“KIUC”) requests that it be granted full intervenor status in the above-captioned proceeding(s) and states in support thereof as follows:

1. 807 KAR 5:001, Section 4(11)(a)(1) requires that a person requesting leave to intervene as a party to a case before the Kentucky Public Service Commission (“Commission”), by timely motion, must 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. 807 KAR 5:001, Section 4(11)(b) provides that the Commission shall grant a person leave to intervene if the Commission finds that he or she has made a timely motion for intervention and that he or she has a special interest 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.

3. KIUC is an association of the largest electric and gas public utility customers in Kentucky. The purpose of KIUC is to represent the industrial viewpoint on energy and utility issues before this Commission and before all other appropriate governmental bodies. The attorneys for KIUC authorized to represent them in this proceeding and to take service of all documents are:

Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: (513) 421-2255, Fax: (513) 421-2764  
E-Mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

4. KIUC filed a timely motion to intervene in this proceeding.

5. KIUC has a special interest in this case. Several member(s) of KIUC are served by Kentucky Power Company (“Kentucky Power” or “Company”). The member(s) of KIUC who will participate herein are: Catlettsburg Refining LLC, a subsidiary of Marathon Petroleum LP.<sup>1</sup>

6. KIUC’s special interest cannot be adequately represented by any existing party. While the Kentucky Attorney General’s Office of Rate Intervention is statutorily charged with representing the interests of “consumers” pursuant to KRS 367.150(8), that duty relates primarily to residential customers. In contrast, KIUC’s interest is exclusively related to large industrial customers, who take service on different rate schedules than residential customers.

---

<sup>1</sup> KIUC will supplement the names of additional KIUC member intervenors, if necessary.

7. The transfer of control and ownership at issue in this proceeding would represent a fundamental change for Kentucky Power's existing customers, potentially impacting the future of the Mitchell plant, the replacement capacity for the Rockport Unit Power Agreement that expires on December 8, 2022, and the entire resource mix used to serve retail customers in Kentucky Power's service territory. Kentucky Power's cost structure will also fundamentally change as a result of the proposed transfer of control, including the termination of multiple AEP systemwide cost sharing agreements.

8. KIUC member Marathon represents over 20% of Kentucky Power's retail energy sales. Consequently, the Commission's ultimate decisions on these issues will substantially impact Marathon's electric costs and the competitiveness of its Kentucky refinery among the thirteen Marathon refineries in the U.S. Further, KIUC is already participating or has participated in several Kentucky Power matters on behalf of Marathon, including the Kentucky Power Investigation (Case No. 2021-00370), the CCR/ELG Certificate of Public Convenience and Necessity case (Case No. 2021-00004), the Mitchell Operating Agreements case (2021-00421), the Kentucky Power IRP (Case No. 2019-00443) and the Company's most recent base rate case (2020-00174).

9. KIUC's intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand. KIUC has participated in ratemaking matters before this Commission since 1978 and was formally incorporated in 1983. Over the past 30 years alone, KIUC has intervened in nearly one hundred cases addressing electric rate and service issues. In these proceedings, KIUC currently expects to conduct discovery, file expert testimony (probably joint testimony with the Attorney General) and actively participate at the evidentiary hearing. Hence, KIUC will be a helpful and active participant should its request to intervene be granted.

10. KIUC intends to play a constructive role in the Commission's decision-making process.

11. KIUC's intervention will not unduly complicate or disrupt the proceedings.

**WHEREFORE**, KIUC requests that it be granted full intervenor status in the above-captioned proceeding.

Respectfully submitted,

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

**BOEHM, KURTZ & LOWRY**

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)

[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

**COUNSEL FOR KENTUCKY INDUSTRIAL  
UTILITY CUSTOMERS, INC.**

January 5, 2022