

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2022 JOINT INTEGRATED)
RESOURCE PLAN OF EAST KENTUCKY) CASE NO. 2022-00098
POWER COOPERATIVE INC.)

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

Come now 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, Movants 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 June 1, 2022 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed on or before June 9, 2022. Movants, if granted Joint Intervenor status, will accept and abide by the procedural schedule, including the filing of any Intervenor comments, data requests, and responses to any data requests from any party, so that there is and will be 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 2022 Integrated Resource Plan (IRP) of East Kentucky Power Cooperative, Inc. (EKPC) are distinct and different than those of the existing parties, including the Office of Attorney General, and Movants' 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." Movants have participated as Joint Intervenors in several cases before this Commission, including the pending LG&E/KU 2021 IRP and rate cases concerning Kentucky Power Company and LG&E/KU, and have shown through that participation that they bring value to the discussions and deliberations of the Commission, and provide expert testimony and perspectives that might otherwise not be presented for consideration in determining wherein lies the public's interest and what is fair, just, and reasonable.

4. Existing parties to the proceeding do not adequately represent the interests of Movants and their members. No current party represents the specific and distinct perspective and interests of Movants, as they are explained and 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 IRP proceeding are squarely within the ambit of the Commission’s jurisdiction over EKPC’s short- and long-term resource planning and as noted above and discussed below, are not adequately represented by existing parties. The participation of 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 three organizations. The Movants have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case, including internal conflict resolution. Movants have participated in past Commission cases involving KPC, LG&E, and KU, as Joint Intervenors, 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. Kentuckians For The Commonwealth (KFTC), a non-profit corporation in good standing incorporated under the laws of the Commonwealth of Kentucky with its principal office located at 131 North Mill Street, London, Kentucky 40743, is a 40-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.

8. Together, KFTC members organize for racial justice, a fair economy, a healthy environment, clean and affordable energy, and an honest democracy. KFTC has a dozen chapters across the state – with over 12,000 members in nearly all of Kentucky's 120 counties. Many of KFTC's chapters are comprised of communities served in whole or in part by distribution co-operatives who get power generation from East Kentucky Power Cooperative.

9. KFTC is uniquely positioned to be a voice for the needs and interests of residential ratepayers who are both KFTC members and member-owners of distribution co-operatives in EKPC's service territory. KFTC has 1,241 members who get their residential electric utility service from distribution cooperatives that purchase wholesale power from EKPC,

and those members are distributed across all 16 of EKPC's distribution cooperatives. Among these KFTC members who are also residential ratepayers whose interests are represented by KFTC in this matter are Inter-County RECC ratepayer Preston Miles, Shelby Energy ratepayer E. Gail Chandler, Fleming Mason RECC ratepayer Erik Lewis, and Bluegrass Energy ratepayer Teri Blanton.

10. As an organization, KFTC has been involved with issues affecting low-income residential ratepayers for 35 years and has significant experience in educating the public and supporting both public comments and expert testimony in rate cases, IRP cases, and administrative cases before the Kentucky Public Service Commission. KFTC staff and grassroots leaders have a deep understanding: of the social and economic conditions facing communities and residential customers served by EKPC's distribution co-operatives; the challenges of and opportunities for energy efficiency, demand side management, and distributed renewable energy that play significant and beneficial roles in our energy system; the important role of rural electric cooperatives within Kentucky's economic and energy system; and the broader trends, challenges, and opportunities related to electric power generation and transmission in Kentucky.

11. 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.”

12. 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 1450 Hunter Drive, Lancaster, Kentucky 40444. 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.

13. KYSES is comprised of members who include residential and commercial customers in the service territories of member cooperatives served by the East Kentucky Power Cooperative (EKPC); 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. Among the members of KYSES are Andy McDonald, CEM, who also formerly served as KYSES vice-chair. McDonald is the Director of Apogee – Climate and Energy Transitions, a program of Earth Tools, Inc., which has offices in Owen County and Frankfort. McDonald has appeared and participated in numerous Commission proceedings involving solar energy and has worked for decades with solar energy in

Kentucky, bringing both historical knowledge and relevant recent experience to a number of the issues addressed in the EKPC IRP.

14. McDonald 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, McDonald is participating as an employee of Earth Tools, Inc. 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. Earth Tools, Inc., and its owner Joel Dufour are members of KYSES, customer-members of the Owen Electric Cooperative, an EKPC member co-op, and a net metering customer of Owen Electric.

15. KYSES has previously participated as one of the Joint Intervenors in the most recent Kentucky Power, LG&E, and KU rate proceedings, and in the pending 2021 LG&E and KU IRP.

16. 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."

17. Mountain Association (MA), a non-profit assumed name 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 several owner-member cooperatives that receive power from East Kentucky Power Cooperative through a tariffed On-Bill financing program (see Case No. 2010-00089) over the last twelve (12) years providing a means for retail residential and small commercial members to make bill saving energy improvements at no upfront capital cost to them. MA has also provided direct financing to retail non-residential members 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.

18. 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. MA has also participated as a Joint Intervenor in the most recent Kentucky Power, LG&E and KU rate cases.

19. 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."

20. If granted Joint Intervenor status, the Movants will provide comments and as permitted, testimony regarding the proposed 2022 EKPC IRP in this case. As has been shown through the participation of Joint Intervenors in Case Nos. 2020-00174, 2020-00349, and 2020-00350, Joint Intervenors possess significant information and a joint 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 EKPC IRP.

21. 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.

22. Among the issues on which the Joint Intervenors will provide comment and testimony are advancing clean power generation and leveraging future technologies, maintaining reliability and affordability, and enabling the decarbonization transition for EKPC and its customers.

WHEREFORE, for the reasons stated above, Joint Movants 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,

/s/ Ashley Wilmes

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CERTIFICATE OF SERVICE

This is to certify that electronic version of the Joint Motion of 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 June 9, 2022 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



Tom FitzGerald