

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

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
KENTUCKY UTILITIES COMPANY AND)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	Case No. 2022-00402
FOR CERTIFICATES OF PUBLIC CONVENIENCE)	
AND NECESSITY AND SITE COMPATIBILITY)	
CERTIFICATES AND APPROVAL OF A DEMAND)	
SIDE MANAGEMENT PLAN)	

SIERRA CLUB’S MOTION TO AMEND PROCEDURAL SCHEDULE

Sierra Club joins in the request of Metropolitan Housing Coalition, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, and Mountain Association (collectively, “Joint Intervenors”)¹ and likewise moves to amend the procedural schedule in this proceeding. Sierra Club supports expeditious amendment of the current procedural schedule in this matter in light of Louisville Gas & Electric and Kentucky Utilities’ (“LG&E/KU” or “the Companies”) recently filed Application for Approval of Seven Fossil Fuel-Fired Generating Unit Retirements in Case No. 2023-122.²

Sierra Club supports the consolidation of the dockets in the two matters and a grant of intervention in Case No. 2023-122 to any party that requests it who has already been granted

¹ Motion of Joint Intervenors Metropolitan Housing Coalition, Kentuckians for the Commonwealth, Kentucky Solar Energy Society and Mountain Association to Amend Procedural Schedule (May 12, 2023) (“Motion of Joint Intervenors to Amend Procedural Schedule”).

² Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Fossil Fuel-Fired Electric Generating Unit Retirements, *In the Matter of: Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Approval of Fossil Fuel-Fired Generating Unit Retirements*, Case No. 2023-122 (May 10, 2023) (“LG&E/KU Retirement Application”).

intervention in Case No. 2022-402, as the Companies have proposed.³ 807 KAR 5:001E § 4(14)(a) provides for consolidation of “two (2) or more proceedings involving a similar question of law or fact . . . if rights of the parties or the public interest will not be prejudiced.” Case No. 2022-402 and Case No. 2023-122 implicate similar questions of fact related to LG&E/KU’s generation system. For example, the planned retirements of Ghent Unit 2, Mill Creek Unit 2, and E.W. Brown Unit 3 are discussed extensively in Case No. 2022-402.⁴ The Companies seek the retirement of those units in Case No. 2023-122.⁵ As another example, the two new natural gas combined cycle (NGCC) units that the Companies propose in Case No. 2022-402 would be sited at Mill Creek and Brown,⁶ the locations of three planned unit retirements in Case No. 2023-122.⁷ Information about those locations is thus relevant to both proceedings. Consolidating the cases in this way, with accompanying grants of intervention, will promote and not prejudice the rights of the parties by ensuring the alignment of information across the two matters—including through the proposed joint discovery schedule. Consolidation will also promote the public interest by promoting administrative economy and requiring interested members of the public to provide comment, including in person, at a single time rather than on multiple occasions.

Sierra Club disagrees with the characterization of the subject matter of the May 10, 2023, Joint Application as “a subset of the subject matter of currently pending CPCN-DSM case (Case

³ Motion of Kentucky Utilities Company and Louisville Gas and Electric Company to Consolidate, Incorporate by Reference, and Grant Intervention, Case No. 2023-122 (May 10, 2023) (“LG&E/KU Motion for Consolidation”).

⁴ *See, e.g.*, Direct Testimony of Lonnie E. Bellar, Chief Operating Officer, Kentucky Utilities Company and Louisville Gas and Electric Company (filed Dec. 15, 2022) at 2-4.

⁵ Retirement Application, Case No. 2023-122, at 1.

⁶ Joint Application (Dec. 15, 2022) at 1.

⁷ Retirement Application, Case No. 2023-122, at 1.

No. 2022-402),”⁸ insofar as the CPCN and retirement proceeding analyses are legally distinct. Nevertheless, Sierra Club agrees that, for purposes of administrative efficiency, consolidation of the two proceedings is warranted. As described above, the standard for consolidation does not require that one case be “a subset” of the other—rather, the two cases must “involv[e] a similar question of law or fact”—and the standard for consolidation is met here.

Regardless of whether the dockets are consolidated, though, Sierra Club joins in the request of Joint Intervenors to expeditiously amend the procedural schedule in this case in accordance with the Companies’ Motion to Consolidate, Incorporate by Reference, and Grant Intervention filed in Case No. 2023-122. As Joint Intervenors have explained in their Motion, the proposed new schedule would provide the following adjustments in this matter:

- Additional intervenor discovery: May 26, 2023
- Responses from LG&E/KU to additional discovery: June 9, 2023
- Intervenor direct testimony: June 30, 2023
- Discovery on intervenor testimony: July 7, 2023
- Responses to discovery on intervenor testimony: July 28, 2023
- LG&E/KU rebuttal testimony: Aug. 9, 2023 (unchanged)⁹

Sierra Club agrees that in light of the information contained in the Companies’ application in Case No. 2023-122 that is relevant to this matter, time for additional intervenor discovery and the concomitant adjustments to the schedule as outlined above are warranted. As Joint

⁸ LG&E/KU Motion for Consolidation, Case No. 2023-122, at 1-2.

⁹ Motion of Joint Intervenors to Amend Procedural Schedule at 3.

Intervenors describe in their Motion, these adjustments will promote fairness given the provision of this information following all prior opportunities for discovery in this matter.¹⁰

Sierra Club therefore joins Joint Intervenors in respectfully requesting that the Commission amend the current procedural schedule in this case as described above and as proposed in LG&E/KU's Motion in Case No. 2023-122.

Dated: May 16, 2023

Respectfully submitted,

Of counsel (not licensed in Kentucky)

/s/ Joe F. Childers

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¹⁰ *Id.* at 3, 4-5.

CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of SIERRA CLUB'S MOTION TO AMEND PROCEDURAL SCHEDULE in this action is being electronically transmitted to the Commission on May 16, 2023, and there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/ Joe F. Childers

JOE F. CHILDERS