

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

**In the Matter of:**

|   |   |                            |
|---|---|----------------------------|
| <b>ELECTRONIC JOINT APPLICATION OF</b>        | ) |                            |
| <b>KENTUCKY UTILITIES COMPANY AND</b>         | ) |                            |
| <b>LOUISVILLE GAS AND ELECTRONIC COMPANY</b>  | ) |                            |
| <b>FOR CERTIFICATES OF PUBLIC CONVENIENCE</b> | ) | <b>CASE NO. 2022-00402</b> |
| <b>AND NECESSITY AND SITE COMPATIBILITY</b>   | ) |                            |
| <b>CERTIFICATES AND APPROVAL OF A DEMAND</b>  | ) |                            |
| <b>SIDE MANAGEMENT PLAN</b>                   | ) |                            |

**PETITION FOR FULL INTERVENTION BY THE MERCER COUNTY FISCAL  
COURT AND NOTICE OF WAIVER OF SERVICE BY U.S. MAIL**

Pursuant to 807 KAR 5:001 Section 4(11), KRS 278.310, and KRS 278.040(3), the Mercer County Fiscal Court (“Mercer”), ratepayers of Kentucky Utilities Company and Louisville Gas Company (hereinafter the “Companies”) request that they be granted full intervenor status in the above captioned proceeding and state in support thereof the following<sup>1,2</sup>:

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

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<sup>1</sup> See also Order dated January 6, 2023, at page 6.

<sup>2</sup> Mercer, by way of its participation in this proceeding, does not waive or otherwise forfeit any legal right, whether directly, indirectly, by inference, or suggestion or otherwise, to which it may be entitled in any court proceeding.

Commission in fully considering the matter without unduly complicating or disrupting the proceedings.<sup>3</sup>

2. Pursuant to 807 KAR 5:001 § 8(9), Mercer provides notice that in the event the Commission grants its Motion to Intervene, it waives any right to service of Commission Orders via U.S. Mail; and certifies that: (a) Mercer and its agents are capable of receiving electronic transmissions; and (b) the electronic email addresses to which all electronic notices and messages related to the above-styled proceeding should be served are those individuals as noted in Paragraph 14 below.
3. Mercer has timely filed its motion to intervene in this proceeding by filing same on or before the deadline of January 20, 2023.<sup>4</sup>
4. Mercer has a special and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party, including the Attorney General's Office. As a county located in the middle of central Kentucky, a tremendous opportunity for commercial and industrial growth is readily available, whether for an industrial park or otherwise, given access to rail and highway transportation. Most importantly, and, unlike other residential, commercial, or industrial customers otherwise represented globally by the Attorney General, Mercer will represent a specific group of ratepayers and will

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<sup>3</sup> Order dated January 6, 2023, at page 6.

<sup>4</sup> See Order dated January 6, 2023, at Appendix.

focus exclusively on the proposed location of the solar facility, consisting of approximately of **1,895 acres**.<sup>5</sup>

5. Indeed, while the Attorney General’s Office of Rate Intervention is statutorily charged with representing the interests of “consumers” under KRS 367.150(8), its duty relates primarily, but not exclusively, to residential consumers in its historical proceedings before the Commission. In stark contrast, Mercer’s interests are exclusively related to its unique customer characteristics as an economic opportunity, one which a solar facility cannot compete with its return on investment within the Commonwealth.
6. The Companies’ proposed location for the solar facility has existing availability and opportunity for commercial and industrial growth which will further the Governor’s goal of creating long term jobs; thus, translating to increased revenue and economic growth for Mercer and for the Commonwealth as a whole.<sup>6</sup>
7. The location of the proposed facility must be compared to the Muhlenberg County location, which has to date been ruled out by the companies given the land acquisition costs. Importantly, and while the initial land costs should be considered, the long-term financial return via jobs for Mercer and taxes for Mercer and the Commonwealth will far outweigh the initial costs for the project. This point will be proven by way of Mercer witness(es).

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<sup>5</sup> See Joint Application at Exhibit 3 and Lonnie Bellar Direct Testimony at page 19.

<sup>6</sup> See, e.g., Bruce Schreiner, *Kentucky Gov Touts Economy, Resilience After Tragedies*, ASSOCIATED PRESS (January 4, 2023), <https://apnews.com/article/politics-kentucky-b6163e66fb48a383f3e5bab263d29695>.

8. Mercer is acutely aware of contributions the solar facility might provide to the Companies' need for generation. Nonetheless, the Mercer County Fiscal Court has denied requests by resolution or communication on not one but two occasions because a potential industrial park at this 1,895 acre location is better suited as an economic development opportunity versus the displacement of the land for a monstrous 1,895 acre solar site.
9. In addition, the economic return for Mercer as well as the Commonwealth is much greater if used for an industrial park.<sup>7</sup> **Interestingly, the Companies do not state in their application that Mercer has previously turned down, twice, amendments to the Mercer County Planning and Zoning ordinance that would allow for large scale solar development. The project proposed along with these amendments was a solar project on this property that closely resembles the current proposal by the Companies.**
10. Mercer is not averse to solar power, indeed one of the largest solar farms in the state is located in Mercer County.<sup>8</sup> Mercer simply believes that it would be more beneficial for the community and the state as a whole if the proposed location were used for economic development rather than as a solar facility.

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<sup>7</sup> See, e.g., Robert Moore, *Proposed Solar Ordinance 'Dead On The Table'*, HARRODSBURG HERALD (April 27, 2022), <https://www.harrodsburgherald.com/2022/04/27/proposed-solar-ordinance-dead-on-the-table/>.

<sup>8</sup> See, e.g., LG&E and KU, *Kentucky's largest solar power plant unveiled in Mercer County*, COURIER JOURNAL (April 25, 2016), <https://www.courier-journal.com/story/sponsor-story/lge-ku/2016/04/25/kentuckys-largest-solar-power-plant-unveiled-mercer-county/83506248/>.

11. Importantly, and as Mercer is knowledgeable, the Commission has recently approved a solar facility in Martin County on a brownfield site which would not otherwise be conducive to an industrial site given its lack of transportation via rail or highway. As a former coal mine, the Martin County site is also not as viable as an industrial site as the Mercer location would be. Indeed, the Martin County case is directly on point because Mercer has the attributes for industrial and commercial development with a quality of life for jobs unlike Martin County.<sup>9</sup> Moreover, and importantly, the Martin County solar site will consist of 1,200 acres, which after construction, will only employ eleven (11) full time employees. Accordingly, a similar solar site in Mercer would hardly be an economic opportunity for economic growth via jobs in central Kentucky.<sup>10</sup>

### CONCLUSION

12. Mercer's intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand. Mercer fully intends to participate in this matter with its own in-house expertise as well as with the engagement of an expert.

13. Mercer offers to play a constructive role in the Commission's decision-making process without unduly complicating or disrupting the proceedings.

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<sup>9</sup> See Public Service Commission Case No. 2021-00029.

<sup>10</sup> See Crystal Staley, *Martin County Solar Project to Locate on Former Eastern Kentucky Coal Mine*, OFFICE OF THE GOVERNOR (Dec. 9, 2021), <https://www.kentucky.gov/Pages/Activity-stream.aspx?n=GovernorBeshear&prId=1092>.

14. The attorney for Mercer authorized to represent it in this proceeding and to take service of all documents is:

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WHEREFORE, the Mercer County Fiscal Court respectfully requests that it be granted full intervenor status in the above captioned proceeding because the Fiscal Court has a special interest not otherwise adequately represented and because it is likely to present issues or develop facts which will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Respectfully submitted,

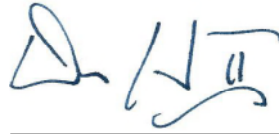


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**COUNSEL FOR THE MERCER COUNTY  
FISCAL COURT**

*Certificate of Service*

Pursuant to the Commission's Orders in Case No. 2020-00085, and in accord with all other applicable law, Counsel certifies that an electronic copy of the forgoing was served and filed by e-mail to the parties of record on this 20th day of January 2023.

A handwritten signature in blue ink, appearing to read "D. Howard II", written over a horizontal line.

Dennis G. Howard, II