

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)
FOR CERTIFICATES OF PUBLIC CONVENIENCE) CASE NO. 2022-00402
AND NECESSITY AND SITE COMPATIBILITY)
CERTIFICATES AND APPROVAL OF A)
DEMAND SIDE MANAGEMENT PLAN)
)

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

Come now Metropolitan Housing Coalition (MHC), Kentuckians for the Commonwealth (KFTC), Kentucky Solar Energy Society (KYSES) and Mountain Association (MA) (collectively "Movants"), by and through counsel, and move for leave to participate as full Joint Intervenors in the above-captioned proceeding, *Electronic Joint Application Of Kentucky Utilities Company and Louisville Gas And Electric Company For Certificates of Public Convenience And Necessity And Site Compatibility Certificates And Approval Of A Demand Side Management Plan* ("LGE/KU Application"). In support of this Joint Motion, Movants 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 5:001E 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 5:001E Section 4(11).

2. This motion for intervention is timely, since under the January 6, 2023, *Order* establishing the procedural schedule in this case, a motion for intervention is deemed timely if filed on or before January 20, 2023.

3. 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.

4. Movants' interests in the Kentucky Utilities and Louisville Gas And Electric Company ("Companies") application for CPCNs, Site Compatibility Certificates, and Demand-Side Management program changes 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 Companies' most recent Integrated Resource Plan (IRP)

proceeding and electric rate cases. As shown through that participation, Movants 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.

5. 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.

6. 807 KAR 5:001E 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 "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." As discussed below, Movants' special interests in this proceeding are squarely within the ambit of the Commission's jurisdiction over the Companies' decisions and are not otherwise adequately represented.

7. In the alternative, 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. Movants' participation as Joint Intervenors will neither complicate or disrupt the proceedings, since the discovery, testimony, and witnesses will be jointly

offered by the four organizations. As noted in previous cases, the Movants have developed, adopted, and have previously operated successfully under internal procedures to assure timely decision-making and coordinated participation with one voice in this case, including internal conflict resolution processes. Movants have participated in past Commission cases Joint Intervenors, and that participation as Joint Intervenors has neither complicated nor disrupted those proceedings.

8. MHC is a nonprofit, nonpartisan membership organization incorporated under the laws of the Commonwealth of Kentucky in 1989, with an office in Metro Louisville taking service from LG&E, and comprised of over 300 individual and organizational members. MHC members include representatives of low-income households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, and other advocacy groups, advocating with a united voice for fair, safe, and affordable housing in the Metro Louisville area. For almost three decades, MHC has utilized the public and private resources of the Metro Louisville community to provide equitable, accessible housing choices for all persons through advocacy, public education, and through support for affordable housing providers.

9. As part of its mission, MHC has focused on electric and gas utility costs as an integral component of fair and affordable housing for many years. The MHC 2008 *State of Metropolitan Housing Report* focused on utility costs and

affordable housing, as did the follow-up MHC 2013 report on *How to Lower Utility Costs*. Utility costs are a significant component of affordable shelter and on these issues, MHC has done research, effectively advocated for policy changes, represented non-profit affordable housing developers, and worked with local and statewide organizations. MHC was an original board member of the Affordable Energy Corporation. MHC brings a perspective on the impact of decisions regarding capital investment and demand side strategies regarding utility service and the particular and disproportionate impacts that utility costs have on access to affordable housing for fixed- and low-income individuals and families. MHC has been an active member of the LG&E Customer Care Advisory Group since the program's inception and a member of the LG&E-KU Energy Efficiency Advisory Group. MHC is also on the Community Winter Help Board. In 2016, MHC worked with LG&E to update the *How to Lower Utility Costs: A Guide to Louisville 5 Programs for Energy Efficient Improvements and Resources to Help Pay a Utility Bill*, which MHC had first written and published in 2013. MHC has continued to research and analyze energy affordability, accessibility, and equity issues in the 2020-2021 and 2022 *State of Metropolitan Housing Reports*—with particular focus on households at-risk of disconnections and shutoffs and contextualized in the fallout of the global pandemic.

10. MHC maintains a loan pool for non-profit developers to create affordable housing, whether rental or owner-occupied, new or rehabilitated. MHC mandates energy efficiency measures and encourages renewable

energy provision as a method of better controlling electricity costs. MHC has expanded this work as a community-based partner in Louisville Metro Government's technical assistance grant through the U.S. Department of Energy's Communities Local Energy Action Program (Communities LEAP) Pilot, as the need for creating sustainable energy programs targeting economically disadvantaged households is essential to solving the attainable housing crisis in Louisville.

11. In Cases No. 2011-00134, 2014-00003, 2014-00372, and 2016-00371, the Commission acknowledged that MHC's intervention 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." The same is true here, with MHC uniquely positioned to present issues and develop facts relevant to the Companies' residential customers, particularly as concerns energy affordability and the impact of supply- and demand-side resource decisions on residential customers' electric service.

12. 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 41-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. Together, KFTC members organize for racial justice, a fair economy, a

healthy environment, clean and affordable energy, and an honest democracy.

13. As a member-based organization, KFTC is uniquely positioned to be a voice for the needs and interests of LG&E and KU residential ratepayers. KFTC has a dozen chapters across the state, with over 12,000 members across nearly all of Kentucky's 120 counties. KFTC's members include approximately 2,864 households taking service within the LG&E service territory, and 2,877 households taking service in the KU service territory. These members include LG&E ratepayers Danica Novgorodoff and Sandra Shanaberger, and KU ratepayer Catherine Clement.

14. KFTC has been involved with issues affecting low-income residential ratepayers for more than 35 years and has significant experience in educating the public and supporting and submitting both public comments and expert testimony in rate cases, IRP cases, and other 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; the challenges of and opportunities for energy efficiency, demand side management, and distributed renewable energy; and the broader trends, challenges, and opportunities related to electric power generation and transmission in Kentucky.

15. As shown above, KFTC has a special interest in the case that is "not otherwise adequately represented" and alternatively 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.”

16. 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 1864 Frankfort Ave., Louisville, KY 40206. 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.

17. KYSES is comprised of members who include residential solar energy customers in the Companies' service territories; 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. KYSES members include individuals taking utility service from one or the other of the Companies.

18. 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

Companies' application in this case.

19. 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. KYSES has previously participated as one of the Joint Intervenors in the most recent Kentucky Power, LG&E, and KU rate proceedings, LG&E and KU's Joint 2021 IRP, and East Kentucky Power Cooperative's 2022 IRP.

20. As shown, KYSES has a special interest in the case that is "not otherwise adequately represented" and alternatively 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." KYSES' considerable experience with distributed energy resources, economics, and policies will aid the Commission in fully considering the Companies' proposals, particularly related to planned solar and battery storage resources, as well as developing facts related to the Companies' projection of distributed energy resource growth among residential and small commercial customers.

21. Mountain Association (MA), a non-profit 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 KU customers over the last fifteen (15) years providing financing 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.

22. On December 4, 2020, Kentucky Energy and Environment Cabinet 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 stewardship.

23. 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. MA also participated as a Joint Intervenor in the most recent Kentucky Power, LG&E and KU rate cases, LG&E/KU's Joint 2021 IRP, and EKPC's 2022 IRP.

24. As shown, MA “has special interests in the case that is not otherwise adequately represented” and alternatively his “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.” MA is uniquely experienced in energy efficiency, energy security, and resilience in the face of climate change, including distressed regions in Eastern Kentucky in KU's service territory. If granted Joint Intervenor status, MA will apply its extensive knowledge of demand-side management, distributed generation, and least-cost planning to presenting issues and developing facts that will assist in the Commission's deliberations.

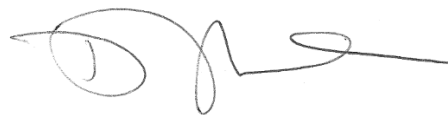
25. If granted Joint Intervenor status, Movants will provide joint comments and as permitted, joint testimony regarding the Companies proposed supply-side resource acquisitions and projects and changes to demand-side management and energy efficiency programs. As has been shown through the participation of Joint Intervenors across multiple cases in recent years before this Commission, Joint Intervenors possess significant information and unique perspectives 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. Joint Intervenors are uniquely able to contribute to the development of robust factual record here owing to their longstanding participation in the Companies' DSM/EE Advisory Group and recent engagement in the Companies' IRP, where Joint Intervenors sponsored expert testimony addressing the Companies' resource modeling, in addition to other issues.

26. 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 LG&E/KU and their customers.

WHEREFORE, for the reasons stated above, Joint Movants MHC, 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,

A handwritten signature in black ink, appearing to read "Ashley Wilmes", with a long horizontal line extending to the right.

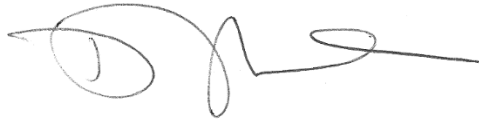
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CERTIFICATE OF SERVICE

In accordance with the Commission's July 22, 2021 Order in Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, this is to certify that this electronic filing of *Joint Motion Of Metropolitan Housing Coalition, Kentuckians For The Commonwealth, Kentucky Solar Energy Society, and Mountain Association For Full Intervention As Joint Intervenors* was submitted to the Commission on January 19, 2023; that the documents in this electronic filing are a true representations of the materials prepared for the filing; and that the Commission has not excused any party from electronic filing procedures for this case at this time.



Tom FitzGerald