

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

In the matter of: :

ELECTRONIC JOINT APPLICATION OF KENTUCKY : CASE NO. 2022-00402
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 :
:

KENTUCKY COAL ASSOCIATION, INC.’S MOTION TO INTERVENE

Comes the Kentucky Coal Association, Inc. (“KCA”), 880 Corporate Drive, Suite 101, Lexington, Kentucky 40503 pursuant to 807 KAR 5:001 Section 4(11), KRS 278.310, and KRS 278.040(2), by counsel, and moves for full intervenor status in this action. In support of this motion, KCA states as follows:

KCA is a Kentucky nonprofit corporation in existence as a corporation since 1947. KCA is the state’s leading organization dedicated to advancing the interests of the coal industry across Kentucky. KCA’s member companies are drawn from throughout Kentucky, including but not limited to underground and surface coal producers, and their suppliers and service providers. KCA provides leadership for the coal industry and enhances the ability of the Kentucky coal industry to compete in domestic and world coal markets in such areas including but not limited to energy policy. Members of KCA include corporations, firms or individuals directly engaged in producing and/or processing coal in the Commonwealth of Kentucky and other associations, organizations, corporations, firms or individuals interested in promoting the welfare of the coal industry in the Commonwealth of Kentucky. Several members of KCA are served by Kentucky Utilities Company and Louisville Gas and Electric Company (collectively, the “Companies”), including Muhlenberg County Coal Resources, Inc. (and various affiliates doing business in

Kentucky collectively “ACNR, Inc.”), Alliance Coal, LLC, Associated Engineers, Inc., Boyd Company, Caudill Seed Company, Liberty Mining Consultants, Inc., Jenmar USA, Joy Global Underground Mining, LLC, Mine and Mill Supply Company, LLC, Minova USA, Penn Virginia Resource Partners, LP and Traditional Bank.¹

In this matter the Commission is in the process of examining the requests of the Companies: (i) for a Certificate of Public Convenience and Necessity (“CPCN”) Application; (ii) to build two 621 MW Natural Gas Combined Cycle plants; (iii) to build a 125 MW battery storage facility; (iv) to add 877 MW of solar generation; and (v) to retire approximately 1,200 MW of coal fired plants. The Companies’ request to build or add the Natural Gas Combined Cycle plants, battery storage and solar generation will change the nature and cost of the energy and capacity provided to KCA members served by the Companies. Specifically, KCA members operate and produce coal in Kentucky counties within the Companies’ electric distribution service area² including but not limited to Hopkins, Union and Muhlenberg county.³ *See, e.g.,* fn. 6. Also, KCA is located at 880 Corporate Drive, Lexington, Kentucky 40503 receiving and paying for electric service from the Companies. The Companies’ request to additionally retire at least 1,200 MW of coal fired plants⁴ significantly impacts KCA and KCA’s members and the

¹ KCA will supplement the names of additional KCA member intervenors, if necessary. Of note, while Alliance Coal, LLC is also a member of KIUC other members of KCA seeking intervention are not otherwise represented or part of any other groups seeking intervention in this proceeding.

² https://psc.ky.gov/agencies/psc/images/electric_service_areas_wall_map.pdf

³ <https://www.kentuckycoal.com/wp-content/uploads/2018/07/ky-coal-facts-2017.pdf> (*see*, p. 59 of 122)

⁴ *See*, Testimony of Mr. Lonnie Bellar, COO, filed on Dec. 15, 2022, p. 5 line 8.

Kentucky economy overall. KCA members employ thousands of Kentucky citizens.⁵ KCA and its members have a special interest⁶ which is not otherwise represented by any other party or prospective party in this above-captioned case including that of the Attorney General and its participation will not unduly complicate or disrupt the proceeding.

Approval of this application would have a significant impact on KCA's members, their respective employees, and their budgets. KCA has unique knowledge of the impact on the Kentucky coal industry as it pertains to the Companies' request to retire approximately 1,200 MW of coal fired boilers in this proceeding. KCA's intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand including but not limited to reliability concerns. KCA has operated since 1942 and was formally incorporated in 1947. In this proceeding, KCA currently expects to, at a minimum, conduct discovery, file expert testimony, and actively participate at the evidentiary hearing. Therefore, KCA will be a helpful and active participant should its request to intervene be granted along with this motion being timely. KCA intervention will not unduly complicate or disrupt the proceedings.

The attorneys for KCA authorized to represent it in this proceeding and to take service of all documents are:

⁵ <https://eec.ky.gov/Energy/News-Publications/Quarterly%20Coal%20Reports/2020-Q1.pdf>

⁶ Notably, KCA members, Muhlenberg County Coal Resources, Inc. an affiliate of ACNR Coal Sales, Inc. and Alliance Coal, LLC provided LG&E coal sourced within the Companies' electric service distribution area in Western Kentucky for the Mill Creek Station based on the analysis of Coal Purchased for Fuel Clause Backup in November 2022. See, https://psc.ky.gov/PSC_WebNet/FuelContracts/Supplemental/Louisville%20Gas%20and%20Electric%20Company%20-%20LGE/1-13-23.pdf;

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Wherefore, KCA respectfully requests that it be granted full intervenor status in the above captioned proceeding.

Respectfully submitted,

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Counsel for the Petitioner,
KENTUCKY COAL ASSOCIATION, INC.

CERTIFICATE OF SERVICE

I hereby certify that KCA's January 20, 2023 electronic filing is a true and accurate copy of KCA's pleading and Read 1st Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on January 20, 2023; that an original and one copy of the filing will not be mailed to the Commission given the pandemic orders; that there are currently no parties excused from participation by electronic service; and that, on January 20, 2023, electronic mail notification of the electronic filing is provided to all parties of record.

/s/Matt Malone
Attorney for Kentucky Coal Association, Inc.