

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

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)

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT'S
MOTION TO INTERVENE**

Lexington-Fayette Urban County Government ("LFUCG"), by counsel, hereby petitions the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001, Section 4(11) for intervention in the above-styled matter. In support of its motion, LFUCG states the following:

LFUCG is an urban county government established under KRS Chapter 67A. Its address is 200 East Main Street, Lexington, KY 40507.

The Commission has interpreted KRS 278.040(2) as requiring a person seeking intervention to have an interest in the rates or service of a utility as those are the only matters that are subject to the Commission's jurisdiction. *See Order, Kentucky Power Co.*, Case No. 2017-00179 (Ky. PSC June 19, 2017). LFUCG satisfies this requirement because it is a customer of

Kentucky Utilities ("KU"). In the last fiscal year, LFUCG paid approximately \$13,000,000 to Kentucky Utilities for electrical service.

Administrative regulation 807 KAR 5:001, Section 4(11)(b) states:

The commission shall grant a person leave to intervene if the commission finds that he or she has made a timely motion for intervention and that he or she has a special interest 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.

LFUCG meets both these criteria. LFUCG has a special interest in KU's a special interest in LG&E's application requesting approval for a Certificate of Public Convenience and Necessity related to the retirement of certain coal-fired base units and replacement capacity and energy in the form of two natural gas combined cycle units, two solar generation facilities, a battery energy storage facility, four solar purchase power agreements, and an expanded suite of demand-side management and energy efficiency (DSM/EE) programs. As one of KU's largest customers that takes service from a variety of rate classifications, no other party could adequately represent the interests of LFUCG. Ultimately, no other party could adequately represent the special interests of LFUCG. Further, LFUCG has been an active participant in multiple customer collaboratives conducted by KU/LGE to examine costs and potential programs and policies.

Furthermore, the continuous, resilient operation of LFUCG government is of significant public interest and depends heavily on a safe, adequate, and reliable electricity supply. The proposed investments in the instant matter may have significant implications for the safety, reliability, and adequacy of the electricity system and will materially impact LFUCG's ability to respond to high impact events in the future (e.g., extreme weather, natural disasters, terrorism,

and/or man-made threats). It is evident that LFUCG has a special interest in this matter that is not otherwise adequately represented.

LFUCG is also likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. In this particular case, LFUCG anticipates addressing issues and developing facts on the following additional issues: the proposed demand side management plan and the impact of the proposals on reducing emissions.

LFUCG desires to play a constructive role in this matter and isolate issues that are most important to it. LFUCG's focus will serve to neither unduly complicate nor disrupt the proceeding. LFUCG believes that its prior involvement in other cases before the Commission demonstrates its productive standing in the process.¹

Attorneys for LFUCG listed below possess the facilities to receive electronic transmission of all notices and messages related to this proceeding at the electronic mailing addresses listed below. All correspondence to LFUCG should be sent to the attorneys' addresses or email addresses listed below.

Accordingly, because LFUCG has a special interest in this case that is not otherwise adequately represented and because it 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. LFUCG respectfully requests intervention in this proceeding.

¹ In addition to granting intervention to Louisville Metro and Lexington-Fayette Urban County Government in LG&E' and KU's past rate cases, the Commission has recently determined that at least one other City met the above-mentioned criteria in an investor-owned utility's rate case. See *Water Service Corp. of Kentucky*, Case No. 2022-00147 (granting intervention to the City of Clinton).

Respectfully submitted,

/s/ David J. Barberie

Susan Speckert, Commissioner of Law
David J. Barberie, Managing Attorney
Department of Law
200 East Main Street
Lexington, Kentucky 40507
Telephone No.: (859) 258-3500
sspeckert@lexingtonky.gov
dbarberi@lexingtonky.gov

/s/ M. Todd Osterloh

STURGILL, TURNER, BARKER &
MOLONEY, PLLC
James W. Gardner
M. Todd Osterloh
Rebecca Price
333 W. Vine Street, Suite 1500
Lexington, Kentucky 40507
Telephone No.: (859) 255-8581
Facsimile No.: (859) 231-0851
jgardner@sturgillturner.com
tosterloh@sturgillturner.com
rprice@sturgillturner.com

Attorneys for LFUCG