

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 AND NECESSITY )  
AND SITE COMPATIBILITY )  
CERTIFICATES AND APPROVAL OF A )  
DEMAND SIDE MANAGEMENT PLAN )

CASE NO. 2022-00402

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**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
AND LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT'S  
RESPONSE BRIEF**

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Lexington-Fayette Urban County Government (“LFUCG”) and Louisville/Jefferson County Metro Government (“Louisville Metro”), by counsel, hereby submit the following response related to the parties’ initial briefs filed on September 19 and 22, 2023.

LFUCG and Louisville Metro’s position remains the same, and thus they rely on their initial brief. Although supportive of some of Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company’s (“LG&E”) (jointly, “LG&E/KU”) proposals in this collective case, including the retirement of seven fossil-fuel generating plants, LFUCG and Louisville Metro disagree with LG&E/KU’s position<sup>1</sup> that joining an regional transmission organization (“RTO”) such as PM is insufficient to meet the requirement of Senate Bill 4 related to “new electric generating capacity” to support retirement of these plants. A plain reading of Senate Bill 4 would allow a utility to replace a retired unit with electric generating capacity that is new to the utility, including capacity from an RTO.

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<sup>1</sup> See LG&E/KU’s Initial Brief at 33-35.

LFUCG and Louisville Metro also note their general support for the positions taken by the Sierra Club and the Joint Intervenors Metropolitan Housing Coalition, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, and Mountain Association. They also support Walmart's request for LG&E/KU to better engage commercial customers during the DSM-EE advisory process to ensure commercial DSM measures, as well as those for residential, are adequately implemented.

LFUCG and Louisville Metro appreciate with Commission's and Commission Staff's attention to this monumental case, and respectfully request (1) approval of retirement of fossil fuel-fired generating plants, (2) denial of the CPCN for two new NGCCs, (3) an order for LG&E/KU to perform and submit a comprehensive study on joining PJM, specifically addressing the comments of Andrew Levitt in this matter; (4) approval of construction of the Marion County and Mercer County solar facilities and the Brown BESS,<sup>2</sup> and (5) approval of LG&E/KU's DSM-EE Programs with requirements for LG&E/KU to develop more robust programs in the future.

Respectfully submitted,



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and

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<sup>2</sup> Based on Commission precedent, the Commission need not approve the Solar PPAs.

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