

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

**LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
MOTION TO INTERVENE**

Louisville/Jefferson County Metro Government (“Louisville Metro”), 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, Louisville Metro states the following:

Louisville Metro is a consolidated local government established under KRS Chapter 67C. Its address is 527 W. Jefferson Street, Louisville, KY 40202.

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). Louisville Metro satisfies this requirement because it is a significant customer of Louisville Gas & Electric (“LG&E”), having approximately 1,400 accounts that receive electric service from LG&E. Louisville Metro consumes approximately

100,000,000 kWh annually. In recent years, Louisville Metro pays approximately \$11 – \$12 million to LG&E for electric service annually.

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.

Louisville Metro meets both these criteria. Louisville Metro has 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 LG&E's largest customers that take service under a variety of rate classifications, no other party could adequately represent the interests of Louisville Metro. Louisville Metro, through its Office of Advanced Planning and Sustainability, has also been an active participant in a stakeholder collaborative conducted by LG&E, as well as LG&E's sister company Kentucky Utilities Company ("KU"), to examine cost and potential programs and policies associated with those utilities' DSM/EE portfolio.

Furthermore, the continuous, resilient operation of Louisville Metro 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 Louisville Metro's ability to respond to high impact events in the future (e.g., extreme weather, natural

disasters, terrorism, and/or man-made threats). Additionally, on February 12, 2020, Louisville Metro Resolution No. 0009, Series 2020, was issued in which the Louisville Metro Legislative Council resolved to support a 100 percent clean, renewable electricity goal for Louisville Metro government operations by 2030 and a 100 percent clean, renewable energy goal for the entire community by 2040.¹ The renewable ordinance also voiced support for revising building codes for new construction to require energy efficiency, conservation, and renewable energy applications toward an eventual goal of net zero or net positive energy, water, and waste for Louisville Metro. In light of Louisville Metro's obligation to comply with Metro Resolution No. 009 Series 2020 and LG&E's proposed generation resources in the instant matter having a significant impact on the achievability of Louisville Metro's renewable energy goals, it is evident that Louisville Metro has a special interest in this matter that is not otherwise adequately represented.

Louisville Metro 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. Louisville Metro was an intervening party in LG&E's two most recent base rate cases in 2018² and 2020³ as well as in LG&E/KU's 2021 Integrated Resource Plan⁴ proceeding. Louisville Metro's productive participation in these prior cases resulted in a more fully developed record that assisted the Commission in making its decision in those cases. In this

¹ A copy of the resolution is attached as an exhibit to the motion.

² Case No. 2018-00295, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates* (Ky. PSC Apr. 30, 2019).

³ Case No. 2020-00350, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit* (Ky. PSC June 30, 2021).

⁴ Case No. 2021-00393, *Electronic 2021 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Sept. 16, 2022).

particular case, Louisville Metro anticipates addressing issues and developing facts on the following additional issues: the proposed demand side management plan and the impact of the proposed generation resources on electric rates paid by Louisville Metro and on reducing emissions, particularly, greenhouse gas emissions.

Louisville Metro desires to play a constructive role in this matter and isolate issues that are most important to it. Louisville Metro's focus will serve to neither unduly complicate nor disrupt the proceeding. Louisville Metro believes that its prior involvement in other cases before the Commission demonstrates its productive standing in the process.⁵

Attorneys for Louisville Metro 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 Louisville Metro should be sent to the attorneys' addresses or email addresses listed below.

Accordingly, because Louisville Metro 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. Louisville Metro respectfully requests intervention in this proceeding.

⁵ In addition to granting intervention to Louisville Metro and Lexington-Fayette Urban County Government in LG&E's 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/ Quang D. Nguyen

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Attorneys for Louisville Metro

RESOLUTION NO. 009, SERIES 2020

A RESOLUTION FOR 100% CLEAN RENEWABLE ELECTRICITY FOR METRO GOVERNMENT OPERATIONS BY 2030, 100% CLEAN ENERGY FOR METRO GOVERNMENT OPERATIONS BY 2035 AND 100% CLEAN ENERGY COMMUNITY-WIDE BY 2040 (AS AMENDED).

SPONSORED BY: COUNCILMEMBERS COAN, GEORGE, AND HOLLANDER

WHEREAS, “clean renewable electricity” is defined as electricity that: (1) can be extracted, generated, transported, and consumed with neutral carbon emissions or no emissions at all, and with no current or future significant threat to life and the natural environment; and (2) is generated and stored from renewable resources, which are naturally replenished on a human timescale, such as sunlight, wind, geothermal, tides, and, conditionally, bio-matter and various forms of hydropower. “Clean energy” encompasses electricity, transportation, buildings, and food systems; and

WHEREAS, according to the Sierra Club, “[a] community is powered with 100% renewable energy when the amount of energy generated from the renewable energy source equals or exceeds 100% of the annual energy consumed within the community.”

WHEREAS, overwhelming scientific evidence affirms the existence of climate change and that the primary cause of recent climate change is human combustion of fossil fuels; and

WHEREAS, climate change has already brought devastating impacts in our nation and globally and, if unchecked, will fundamentally undermine the stability of economic, natural, and social systems, including the possibility of massive disruptions to human life on Earth; and

WHEREAS, more frequent and severe flooding, storms, and droughts in our own region pose similar threats to the stability of the local environment and economy, including human health effects; and

WHEREAS, there is no credible path to a safe climate that includes continued long-term combustion of fossil fuels and the proliferation of new fossil fuel infrastructure; and

WHEREAS, air pollution in the form of ozone and fine particulate matter brings about 46 deaths and 49,000 missed days of work or school in the Louisville metro area annually; and

WHEREAS, existing technologies have served this city well for over 100 years, but newer technologies suited for current and future conditions are now available; and

WHEREAS, local, state, and national economies are rapidly transitioning to 100% clean renewable energy along with multinational corporations and countries and cities globally; and

WHEREAS, Louisville Metro Government wishes to take full advantage of the new 21st century energy economy; and

WHEREAS, the Mayor is a signatory to the Mayors' Pledge to support the Paris Climate Agreement and the Mayor's Climate Compact to reduce greenhouse gas emissions, and the Metro Council unanimously adopted Resolution 079, Series 2015 to expand solar energy and efficiency in the city; and

WHEREAS, a just transition to 100% clean renewable energy will create high-quality local jobs; and

WHEREAS, youth and future generations will be more severely affected by climate change, and it is the duty of current leaders to act promptly and resolutely to mitigate climate change for their benefit; and

WHEREAS, low-income residents are often most burdened by energy costs and climate impacts, and Louisville Metro is committed to ensuring all residents enjoy the

benefits of energy efficiency, clean renewable energy, electrified transportation, fair utility rates, and employment opportunities; and

WHEREAS, Louisville Metro's commitment to clean renewable energy will reduce carbon emissions and associated climate change, and reduce air pollution and associated public health risks and costs; and

WHEREAS, Louisville Metro's energy use could be substantially served by existing renewable energy and efficiency technologies and energy conservation at reasonable cost; and

WHEREAS, in 2017, 99% of electricity delivered to Louisville Metro consumers by utility companies was generated from fossil fuels – 80-90% coal and 9-19% natural gas – with only 1% from renewables; and

WHEREAS, given the accelerating rate of climate change, energy consumers, Louisville Metro, and utility companies must take strong action to quickly reduce carbon emissions and shift to 100% clean renewable energy for both Louisville Metro's operations and the entire community through technical and consumer changes that are within practical and economic reach; and

WHEREAS, achieving these energy goals will require broad input and concerted action from government, business, and community leaders, utilities, and individual citizens; and

WHEREAS, no one can predict what a final action plan will look like, one possible scenario might include: (a) reducing demand through conservation and energy efficiency policies and incentives; (b) creating electricity with many installations of solar panels on rooftops and solar farms; (c) creating storage for that electricity through batteries, phase change, and other upcoming technologies; (d) using the existing Ohio Falls Generating

Station; (e) importing wind power with power purchase agreements (PPAs); (f) during the transition period, using existing fossil fuel energy temporarily; (g) offsetting local fossil fuel generation by purchasing renewable energy credits, (h) replacing fossil fuel-powered vehicles with electric or biofuel-powered ones, either through conversion or incentives and devising more efficient and convenient public transportation; and (i) creating a renewable energy trust fund, green bank, or other innovative financing mechanisms.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO COUNCIL”) AS FOLLOWS:

SECTION I: Metro Council supports (1) a 100% clean renewable electricity goal for Metro Government operations by 2030, a 100% clean energy goal for Metro Government operations by 2035, and a 100% clean energy goal community-wide by 2040; ~~and~~ (2) the revision of all building codes for new construction to require energy efficiency, conservation, and renewable energy applications toward an eventual goal of net zero or net positive energy, water, and waste for Louisville Metro; and (3) the opening of free market pricing for electrical generation and guarantee of total cost access to the electrical grid in order to provide the public with cleaner and cheaper electricity.

SECTION II: Metro Council urges (1) Metro Government’s forthcoming Climate Action Plan to support this goal; (2) public participation be prioritized in the planning, decision-making, and implementation process; and (3) underserved communities be brought into the political process to develop more just, equitable and sustainable energy systems and to facilitate more democratic ownership.

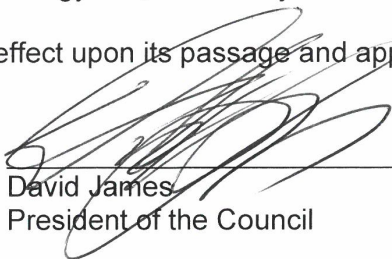
SECTION III: Metro Council adds to its priorities as Metro budget allows: (1) energy efficiency and conservation projects, programs and outreach plus adding renewable energy infrastructure to reduce Louisville Metro’s energy needs and carbon footprint and meet

established Climate Action Plan goals; and (2) energy resources and programs that benefit low-income residents and create more equity in energy use, rates and jobs in the community.

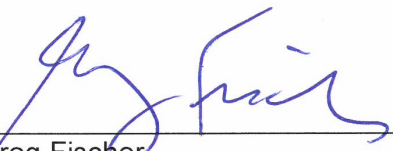
SECTION IV: This resolution shall take effect upon its passage and approval.




Sonya Harward
Metro Council Clerk



David James
President of the Council



Greg Fischer
Mayor



Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 

R-102-19 Clean Energy Resolution (CAM on 12-5-19).docx

**LOUISVILLE METRO COUNCIL
ADOPTED**
February 6, 2020.