

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

In the Matter of:

ELECTRONIC 2022 INTEGRATED	)	
RESOURCE PLANNING REPORT OF	)	CASE NO. 2023-00092
KENTUCKY POWER COMPANY	)	

**JOINT MOTION OF MOUNTAIN ASSOCIATION, APPALACHIAN CITIZEN’S  
LAW CENTER, KENTUCKIANS FOR THE COMMONWEALTH, AND KENTUCKY  
SOLAR AND ENERGY SOCIETY FOR FULL INTERVENTION AS JOINT  
INTERVENORS**

Pursuant to 807 KAR 5:001E, Section 4(11), KRS 278.310, and KRS 278.040(2), Mountain Association (“MA”), Appalachian Citizens Law Center (“ACLC”), Kentuckians for the Commonwealth (“KFTC”), and Kentucky Solar and Energy Society (“KYES”), (collectively “Movants”) request to be granted full intervenor status in the above-captioned proceeding(s) and state in support thereof 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 full name, mailing address, and electronic mail 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.<sup>1</sup>

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<sup>1</sup> 807 KAR 5:001E § 4(11)(a)(1).

807 KAR 5:001E, Section 4(11)(b) provides that the Commission shall grant a person leave to intervene if the Commission finds that they have made a timely motion for intervention and have a special interest in the case that is not otherwise adequately represented or whose 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.

2. This motion for intervention is timely, since under the Order entered on April 14, 2023 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed not later than May 8, 2023.<sup>2</sup> Movants, if granted Joint Intervenor status, will accept and abide by the procedural schedule, including the filing of any comments, data requests, and response to any data requests, so that there is no prejudice to the applicant or other parties from the grant of full joint intervenor status to Movants at this time.

3. Movants' interests in the Electronic 2022 Integrated Resource Planning Report of Kentucky Power Company ("KPCO") are different than those of the existing parties, and their participation 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."<sup>3</sup>

4. If granted Joint Intervenor status, the Movants' intervention is very likely to present issues or develop facts that will assist the Commission in fully considering the issues in this case. In the April 23, 2023 Order, the Commission states that the purpose for this hearing is to take "evidence on the issues within the scope of this review of Kentucky Power's 2022 IRP."<sup>4</sup> Movants plan to submit testimony and evidence on multiple issues in this proceeding, including

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<sup>2</sup> Apr. 14, 2023 Order at Appendix A.

<sup>3</sup> 807 KAR 5:001E § 4(11)(a)(1).

<sup>4</sup> Apr. 14, 2023 Order at 1.

the IRP's evaluation of renewable energy, demand-side resources, and the implementation of the Inflation Reduction Act, and to provide perspectives that might not otherwise be presented for consideration.

5. Existing parties to the proceeding do not adequately represent the interests of Movants and their members. No current party represents the specific perspective and interests of Movants, as discussed below.

6. The participation of MA, ACLC, KFTC, and KYSES as Joint Intervenors will neither complicate or disrupt the proceedings, since the discovery, testimony, and witnesses will be jointly offered by the four organizations, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case. Movants have participated in past cases involving KPCO and other utilities and have neither complicated nor disrupted those proceedings.

7. MA is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with an office at 433 Chestnut Street, Berea, Kentucky, 40403. In July of 2022, MA began development of a former bank building at 479 Main Street in Hazard with electric served by KPCO. MA is working to transform the space into a mixed-use development, incorporating MA's offices, retail, food & beverage, and Air BnB lodging on Main Street in downtown Hazard. MA 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 KPCO customers over the last fifteen 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. 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 environmental stewardship.<sup>5</sup>

8. It is clear that MA has a special interest in the case that is “not otherwise adequately represented” and alternatively that MA’s intervention as a Joint Intervenor “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.”<sup>6</sup>

10. ACLC is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky with its office at 317 Main Street, Whitesburg, Kentucky. ACLC is a KPCO customer. Since its incorporation in 2001, ACLC has focused on addressing the environmental, health, and economic impacts of resource extraction in Eastern Kentucky and Central Appalachia. ACLC’s primary work includes both direct representation of individuals and groups and policy and advocacy work aimed at addressing the ongoing and legacy impacts of the coal industry and the economic impacts of its decline. In 2010, ACLC represented the Pike County Senior Citizens Program, Inc. as intervenors in a KPCO rate case (Case No. 2009-00459). Currently, ACLC’s work includes numerous efforts to address utility unaffordability

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<sup>5</sup> KYDEP, “Gov. Andy Beshear and Secretary Rebecca Goodman Announce Annual Environmental Awards of Excellence,” *Naturally Connected* (Dec. 4, 2020), <https://kydep.wordpress.com/2020/12/04/gov-andy-beshear-and-secretary-rebecca-goodman-announce-annual-environmental-awards-of-excellence/>.

<sup>6</sup> 807 KAR 5:001E § 4(11)(a)(1).

throughout Eastern Kentucky. ACLC advocates for energy and water affordability on behalf of low-income residents in the region by participating as stakeholders in national and state energy and water affordability discussions and workgroups, by conducting research on utility affordability, and by directly representing the Martin County Concerned Citizens before the PSC. In addition to ACLC's specific focus on utility affordability, ACLC focuses its advocacy on measures to ensure that the nation's transition away from coal takes into account the extraordinary burdens eastern Kentucky has faced and continues to face as a result of more than a century of dependence on coal. ACLC believes that responsible transition requires that new energy production and significant new energy uses must be scrutinized to ensure that, at a minimum, they are sustainable in the long term, will not burden our communities, and provide community benefits.

11. It is clear that ACLC has a special interest in the case that is "not otherwise adequately represented" and alternatively that ACLC's intervention as a Joint Intervenor "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."

12. KFTC is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky with its principal office located at 131 North Mill Street, London, Kentucky 40743, is a forty-one-year-old, multi-issue grassroots organization of Kentuckians inspired by a vision to work 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 a fair economy, a healthy environment, new safe energy, and an honest democracy. KFTC has twelve chapters across the state—including eastern Kentucky chapters in the Big Sandy region, Rowan County, and Kentucky River region, many of whose members are KPCO ratepayers—with

12,000 members in nearly all of Kentucky's 120 counties. KFTC also pays electric rates to KPCO at its Prestonsburg office, located at 152 North Lake Drive, Prestonsburg, KY 41653.

13. As an organization, KFTC has been involved with issues affecting low-income residential ratepayers for over thirty years and has significant experience in educating the public and supporting both public comments and expert testimony in rate cases and has gained a deep understanding of the needs of residential customers across the state, and specifically in Eastern Kentucky, for energy efficiency, demand side management, and a healthy energy system, and the consequences for communities of the transition to clean energy. As a member-based organization with deep roots in the region and over 615 members who take service in the KPCO service territory, KFTC is uniquely positioned to be a voice for the needs and interests of KPCO residential ratepayers who are also KFTC members.

14. It is clear that KFTC has a special interest in the case that is “not otherwise adequately represented” and alternatively that KFTC’s intervention as a Joint Intervenor “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.”<sup>7</sup>

15. KYSES is a non-profit corporation in good standing, incorporated under the laws of the Commonwealth of Kentucky, with its principal office at 215 Oxford Place Louisville 40207. 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.

16. KYSES is comprised of members who include residential solar energy customers in KPCO service territories; solar energy enthusiasts (including potential future solar customers);

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<sup>7</sup> 807 KAR 5:001E § 4(11)(a)(1).

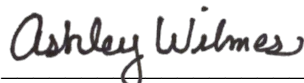
professionals working in the clean energy field in business, non-governmental organizations, and academia; and advocates for a transition to a clean energy economy.

17. It is clear that KYSES has a special interest in the case that is “not otherwise adequately represented” and alternatively that 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.”

18. In Case No. 2020-00174 involving Kentucky Power, the Commission agreed that MA, KFTC and KYSES’s participation was “likely to present issues and develop facts that will “assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.”<sup>8</sup> Similarly, in Cases No. 2022-00387 and 2022-00424 involving Kentucky Power, MA, KFTC, and ACLC were also granted Joint Intervenor status.<sup>9</sup>

WHEREFORE, for the reasons stated above, Joint Movants MA, ACLC, KFTC, and KYSES respectfully request to be accorded the status of full Joint Intervenor, 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,



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Ashley Wilmes  
Tom FitzGerald  
Byron Gary  
Kentucky Resources Council

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<sup>8</sup> Aug. 4, 2020 Order at 5, Case No. 2020-00174.

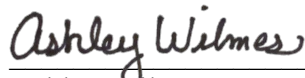
<sup>9</sup> Mar. 30, 2023 Order, Case No. 2022-00387; Jan. 12, 2023 Order, Case No. 2022-00424.

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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 the electronic filing was submitted to the Commission on May 8, 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.

  
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Ashley Wilmes