

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) **CASE NO. 2023-00122**
FOR APPROVAL OF SEVEN FOSSIL FUEL-)
FIRED GENERATING UNIT RETIREMENTS)

MOTION OF
KENTUCKY UTILITIES COMPANY AND
LOUISVILLE GAS AND ELECTRIC COMPANY
TO CONSOLIDATE, INCORPORATE BY
REFERENCE, AND GRANT INTERVENTION

Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) (collectively, the “Companies”) respectfully move the Kentucky Public Service Commission (“Commission”) to enter an order, following the Commission’s determination that the Companies’ application is administratively complete, consolidating this proceeding with and into Case No. 2022-00402,¹ incorporating by reference the records of evidence in Case Nos. 2023-00122 and 2020-00061 into Case No. 2022-00402,² and granting intervention in this proceeding to the parties the Commission previously granted intervention in Case No. 2022-00402.

In support of these motions, the Companies respectfully state:

1. Pursuant to 807 KAR 5:001, Section 4(14), the Companies move the Commission to issue an order consolidating this case (Case No. 2023-00122), with and into Case No. 2022-00402. The entirety of the subject matter of the May 10, 2023 Joint Application in this case (Case

¹ *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.

² *Electronic Application Of Louisville Gas and Electric Company For Approval Of An Amended Environmental Compliance Plan and a Revised Surcharge*, Case No. 2020-00061, Order (September 29, 2020) (approving Project 31, an Effluent Limitation Guideline Rule water treatment system and wastewater diffuser for the Mill Creek Generation Station).

No. 2023-00122) is a subset of the subject matter of currently pending CPCN-DSM case (Case No. 2022-00402). All of the proposed retirements are mentioned in, and are predicates to, the CPCN proposals in the CPCN-DSM case. Most, if not all, of the likely intervenors in this proceeding are already intervenors in the CPCN-DSM case, who have already had and will have again the opportunity to propound data requests to the Companies concerning these retirements and will have the opportunity to offer testimony on them and cross examine the Companies' witnesses about them.

2. To the extent intervenors wish to issue discovery regarding the May 10, 2023 Joint Application and supporting testimony, ample room exists in the procedural schedule in Case No. 2022-00402 to do so. For example, discovery limited to retirements could be issued on May 26, 2023. The Companies could respond to that retirement discovery by June 9, 2023 and then intervenors could file intervenor testimony on the CPCN/DSM and retirement issues by June 30, 2023 instead of the existing intervenor testimony deadline of May 25, 2023. Discovery regarding the intervenor testimony could be submitted by July 7, 2023 (instead of the existing date of June 28, 2023); and responses to this discovery could be filed by July 28, 2023 (instead of the existing date of July 19, 2023). This would allow the Companies to file rebuttal testimony on all issues (CPCN/DSM and retirements) in accordance with the existing rebuttal deadline in Case No. 2022-00402 of August 9, 2023. Therefore, there is no prejudice to the intervenors' due process rights or to the public interest. Consolidating the cases would ensure consistency in outcomes and create considerable administrative efficiency. Treating the May 10, 2023 Joint Application as administratively complete as filed and consolidating with and into the CPCN-DSM case would

not affect timing of a decision in Case No. 2022-00402 which the Commission has said will be November 6, 2023.³

3. Pursuant to 807 KAR 5:001, Section 11(5), the Companies move the Commission to issue an order incorporating by reference the records of evidence in Case No. 2023-00122 and Case No. 2020-00061 into Case No. 2022-00402. The retirement of and reasons for the retirement of Mill Creek Unit No. 1 in 2025 are discussed extensively in the record of Case No. 2020-00061. Thus, incorporating the record of that case and the record of Case No. 2023-00122 into Case No. 2022-00402 will create considerable administrative efficiencies.

4. The Companies also move the Commission to issue an order granting intervention in Case No. 2023-00122 to all parties who are intervenors in Case No. 2022-00402. Most, if not all, of the likely intervenors in this proceeding are already intervenors in the CPCN-DSM case. Granting that intervention will also create significant administrative efficiencies.

WHEREFORE, Kentucky Utilities Company and Louisville Gas and Electric Company respectfully request the Kentucky Public Service Commission, following the Commission's determination that the Companies' application is administratively complete, to enter an order consolidating this proceeding with and into Case No. 2022-00402, incorporating by reference the records of evidence in Case Nos. 2023-00122 and 2020-00061 as part of the record in Case No. 2022-00402, and granting intervention in this proceeding to the parties the Commission previously granted intervention in Case No. 2022-00402.

³ See the Commission's January 6, 2023 Order in Case No. 2022-00402 (p. 4).

Dated: May 10, 2023

Respectfully submitted,



Kendrick R. Riggs
Stoll Keenon Ogden PLLC
500 West Jefferson Street, Suite 2000
Louisville, Kentucky 40202-2828
Telephone: (502) 333-6000
Fax: (502) 627-8722
kendrick.riggs@skofirm.com

Allyson K. Sturgeon
Vice President and Deputy General Counsel
Sara V. Judd
Senior Counsel
PPL Services Corporation
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-2088
Fax: (502) 627-3367
ASturgeon@pplweb.com
SVJudd@pplweb.com

*Counsel for Kentucky Utilities Company
and Louisville Gas and Electric Company*

CERTIFICATE OF COMPLIANCE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on May 10, 2023; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

A handwritten signature in blue ink, appearing to read "Harold R. Nigg", is centered on a light gray rectangular background.

*Counsel for Kentucky Utilities Company
and Louisville Gas and Electric Company*