

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

IN THE MATTER OF: :

Electronic Application Of Kentucky Power Company For :
An Order Approving Accounting Practices To Establish A : **Case No. 2023-00145**
Regulatory Asset Related To The Extraordinary Fuel :
Charges Incurred By Kentucky Power Company In :
Connection With Winter Storm Elliott in December 2022. :

**MOTION TO INTERVENE OF
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

Pursuant to 807 KAR 5:001, Section 4(11), KRS 278.310, and KRS 278.040(2), Kentucky Industrial Utility Customers, Inc. (“KIUC”) requests that it be granted full intervenor status in the above-captioned proceeding(s) and states in support thereof as follows:

1. 807 KAR 5:001, Section 4(11)(a)(1) requires that a person requesting leave to intervene as a party to a case before the Kentucky Public Service Commission (“Commission”), by timely motion, must 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.
2. 807 KAR 5:001, Section 4(11)(b) provides that 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.
3. KIUC is an association of the largest electric and gas public utility customers in Kentucky. The purpose of KIUC is to represent the industrial viewpoint on energy and utility issues before this Commission and before all other appropriate governmental bodies. The attorneys for KIUC authorized to represent them in this proceeding and to take service of all documents are:

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4. KIUC filed a timely motion to intervene in this proceeding.
5. KIUC has a special interest in this case. KIUC member Catlettsburg Refining LLC, a subsidiary of Marathon Petroleum LP, is served by Kentucky Power.
6. KIUC's special interest cannot be adequately represented by any existing party. While the Kentucky Attorney General's Office of Rate Intervention ("AG") is statutorily charged with representing the interests of "consumers" pursuant to KRS 367.150(8), that duty relates primarily to residential customers. In contrast, KIUC's interest is exclusively related to large industrial customers, who take service on different rate schedules than residential customers. Kentucky Power's proposal to establish a regulatory asset and defer for future review and recovery \$11.5 million of non-economy purchased power costs incurred in December 2022 that are not recoverable in the fuel adjustment clause will ultimately have a significant impact on large industrial customer rates.
7. KIUC's intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand. KIUC has participated in ratemaking matters before this Commission since 1978 and was formally incorporated in 1983. Over the past 30 years alone, KIUC has intervened in nearly one hundred cases addressing electric rate and service issues. In this proceeding, KIUC currently expects to explain why Kentucky Power's request to establish a regulatory asset is contrary to Commission precedent, contrary to the provisions of the FAC regulation, and would improperly predetermine the issues pending in Case No. 2022-00263 (six-month FAC review) and in Case No. 2022-00190 (statewide investigation

of the FAC, purchased power costs and related cost recovery mechanisms). Hence, KIUC will be an active participant should its request to intervene be granted.

8. KIUC intends to play a constructive role in the Commission's decision-making process.
9. KIUC's intervention will not unduly complicate or disrupt the proceedings.

WHEREFORE, KIUC requests that it be granted full intervenor status in the above-captioned proceeding.

Respectfully submitted,

/s/ Michael L. Kurtz

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