

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
Electronic Application Of Kentucky Power)
Company For (1) A General Adjustment Of Its)
Rates For Electric Service; (2) Approval Of Tariffs) **Case No. 2023-00159**
And Riders; (3) Approval Of Accounting Practices)
To Establish Regulatory Assets and Liabilities; (4))
A Securitization Financing Order; And (5) All)
Other Required Approvals And Relief)

MOTION TO INTERVENE OF SWVA KENTUCKY, LLC

Pursuant to 807 KAR 5:001, Section 4(11), KRS 278.310, and KRS 278.040(2), SWVA Kentucky, LLC (“SWVA”) respectfully requests that the Kentucky Public Service Commission (the “Commission”) permit it to intervene in the above-captioned proceeding and states in support thereof as follows:

1. On June 29, 2023, Kentucky Power Company (“Kentucky Power” or the “Company”) filed an Application for (1) a general adjustment of its rates for electric service; (2) approval of tariffs and riders; (3) approval of accounting practices to establish regulatory assets and liabilities; (4) a securitization financing order; and (5) all other required approvals and relief.
2. The Commission deemed the application filed on July 14, 2023.
3. On July 20, 2023, the Commission issued an order suspending the Company’s proposed rates for five months and setting the procedural schedule in the above captioned case.
4. Under KAR 5:001, Section 4(11)(b), there are two bases upon which the Commission may grant intervention. The first basis is “that he or she has a special interest in the case that is not otherwise adequately represented”; alternatively, the second basis is “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.”

SWVA asserts that it meets both bases upon which intervention may be granted.

5. Further, KRS 278.040(2) requires that a person seeking intervention must 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.
6. SWVA owns a steel production facility located at 2704 South Big Run Road West, Ashland, Kentucky.
7. SWVA purchased the facility after the previous owner permanently closed it on financial grounds.
8. SWVA’s goals are to grow its business in Ashland and to preserve and add high-quality manufacturing jobs there.
9. As evidenced by the shuttering of steel manufacturing operations in Kentucky, the global steel manufacturing industry is highly competitive.
10. SWVA purchases large quantities of electricity from Kentucky Power.
11. In a globally competitive industry that is energy intensive, electric power rates are important to the viability of business operations.
12. In light of the significant amounts of electricity that SWVA purchases from Kentucky Power, the significance of the cost of electricity to sustainable steel manufacturing operations and SWVA’s goals for the facility, changes to Kentucky Power’s rates may substantially impact SWVA’s operational goals.
13. SWVA takes service from Kentucky Power under Tariff C.S.-I.R.P. at transmission voltage. Under Tariff C.S.-I.R.P., the Company offers the customer a credit (discount) in

exchange for the customer's commitment to curtail or interrupt its load, which in turn helps the Company meet its PJM obligations. Additionally, to take service under C.S.-I.R.P, the customer is required to execute a written addendum setting forth the terms of service and basis for customer interruptions. SWVA's executed addendum is on file with the Commission.¹

14. To the best of SWVA's knowledge, no other party to this proceeding takes service under the Company's interruptible tariffs.² As such, SWVA has a special interest in Kentucky Power's industrial and interruptible service offerings.

15. Given the aforementioned facts, SWVA has a special interest that is not adequately represented by another party. For the foregoing reasons, no party to this proceeding appears to represent customers/loads such as SWVA in this case. At a minimum, SWVA appears to have a special interest in interruptible discounts/rates that is not otherwise adequately represented in this case.³

16. While SWVA has not completed its review of Kentucky Power's application, if this Commission grants SWVA's Motion, SWVA intends to issue discovery requests regarding

¹ Addendum 1, Special Terms and Conditions, between Kentucky Power Company and SWVA Kentucky, LLC, https://psc.ky.gov/tariffs/electric/kentucky_power_company/contracts/swva_kentucky_llc/2020-02-06_Addendum_to_Interruptible_Service_Contract.pdf.

² Intervenor Kentucky Industrial Utility Consumers, Inc. ("KIUC") represents Catlettsburg Refining LLC, and Catlettsburg Refining is the only member of KIUC participating in this proceeding. Upon information and belief, Catlettsburg Refining takes service under Tariff I.G.S. *See* Case No. 2017-00179, Direct Testimony of Brad Levi on Behalf of Kentucky Industrial Utility Customers at 3, lines 18-22 (discussing the impact of a rate increase to Marathon's rate class (I.G.S.) on the Catlettsburg Refinery). While there is some overlap between I.G.S. and C.S.-I.R.P., I.G.S is a firm service tariff whereas service under C.S.-I.R.P. is interruptible. In addition to the distinction between firm versus interruptible service, there may be other relevant differences between the Catlettsburg Refinery load (represented by KIUC) and SWVA's load and their respective interests. Said differences may include, but not be limited to, differences in load factor, service voltage, and load profile. These distinctions are all potentially relevant in the context of rate design and cost allocation.

³ SWVA participated in and was a party to Kentucky Power's last general rate case, Case No. 2020-00174.

the application. SWVA will also consider filing testimony and/or briefs, and participating in the evidentiary hearing.

17. SWVA's participation will likely assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

18. The Kentucky attorneys representing SWVA in this case and to receive service of all documents are:

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WHEREFORE, SWVA respectfully requests that it be granted full intervenor status and be made party to the above-captioned proceeding.

Respectfully submitted,

/s / Kimberly S. McCann

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Dated: August 3, 2023

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Orders in Case No. 2020-00085, and in accord with all other applicable law, an electronic copy of the forgoing was served and filed by electronic mail to the following parties of record this 3rd day of August, 2023.

By: /s/ Kimberly S. McCann

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