

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

In the Matter of:

|                             |   |                     |
|-----------------------------|---|---------------------|
| ELECTRONIC 2023 INTEGRATED  | ) |                     |
| RESOURCE PLAN OF BIG RIVERS | ) | CASE NO. 2023-00310 |
| ELECTRIC CORPORATION        | ) |                     |

**JOINT MOTION OF KENTUCKIANS FOR THE COMMONWEALTH AND  
KENTUCKY RESOURCES COUNCIL FOR FULL INTERVENTION AS JOINT  
INTERVENORS**

Pursuant to 807 KAR 5:001E, Section 4(11), KRS 278.310, and KRS 278.040(2), Kentuckians for the Commonwealth (“KFTC”), and Kentucky Resources Council (“KRC”) (together “Movants”) request to be granted full intervenor status in the above-captioned proceeding 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 November 3, 2023 by the Commission in this case establishing the procedural schedule, motions for intervention were to be accepted through November 17, 2023.<sup>2</sup> Movants, if granted 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 intervenor status to Movant at this time.

3. Movants' interests in the Electronic 2023 Integrated Resource Plan Report of Big Rivers Electric Corporation ("Big Rivers") 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 Intervenor status, Movants are very likely to present issues or develop facts that will assist the Commission in fully considering the issues in this case. Movant plans to submit comments and evidence on multiple issues in

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<sup>2</sup> Nov. 3, 2023 Order at Appendix A.

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

this proceeding, including the IRP's evaluation of renewable energy and storage, demand-side resources, distributed generation, load, 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 KFTC and KRC as Intervenors will neither complicate nor disrupt the proceedings. KFTC and KRC have participated in past Commission cases and have neither complicated nor disrupted those proceedings. Discovery, testimony, and witnesses will be jointly offered by the organizations, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case.

7. 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. KFTC is a forty-two-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 with 12,000 members in nearly all of Kentucky's 120 counties, with more than 600 contacts in the Big Rivers service territory.

8. 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, integrated resource planning dockets, and other Commission proceedings, and has gained a deep understanding of the needs of residential customers across the state, 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 100 members who take service in the Big Rivers service territory, KFTC is uniquely positioned to be a voice for the needs and interests of Big Rivers residential ratepayers who are also KFTC members.

9. It is clear that KFTC has a special interest in the case that is “not otherwise adequately represented,” and alternatively that KFTC’s 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>4</sup>

10. In recent Integrated Resource Plan proceedings regarding Kentucky Power Company, East Kentucky Power Cooperative, and Louisville Gas & Electric / Kentucky Utilities Company (Case Nos. 2023-00092, 2022-00098, and 2021-00393, respectively) the Commission agreed that KFTC (which moved for intervention jointly with other organizations in those proceedings) was “likely to

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

present issues and develop facts that will assist the Commission in fully considering this matter without unduly complicating or disrupting the proceeding.”<sup>5</sup> Similarly, in Cases No. 2022-00190 and 2023-00159 KFTC (along with other joint intervenors in those proceedings) was also granted Intervenor status.<sup>6</sup>

11. KRC is a non-profit membership corporation in good standing incorporated under the laws of the Commonwealth of Kentucky and dedicated to prudent use and conservation of the natural resources of the Commonwealth and providing since 1984 legal and technical assistance without charge to low-income individuals, organizations, and communities across the Commonwealth and in the Big Rivers service area on a range of environmental and energy-related matters. KRC members include numerous individuals who are ratepayers taking service from Big Rivers’ member cooperatives.

12. It is clear that KRC has a special interest in the case that is “not otherwise adequately represented” and alternatively that KRC’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>

13. In recent proceedings regarding Kentucky Utilities Company and Kentucky Power Company (Case Nos. 2022-00371, and 2022-00387 & 2022-

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<sup>5</sup> June 2, 2023 Order at 4, Case No. 2023-00092; June 24, 2022 Order at 5, Case No. 2022-00098; January 11, 2022 Order at 4, Case No. 2021-00393.

<sup>6</sup> Aug 16, 2023 Order, Case No. 2023-00159; June 13, 2023 Order, Case No. 2022-00190.

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

00424, respectively) the Commission agreed that KRC (which moved for intervention jointly with other organizations in those proceedings) was “likely to present issues and develop facts that will assist the Commission in fully considering this matter without unduly complicating or disrupting the proceeding.”<sup>8</sup> In addition, in recent Integrated Resource Plan proceedings regarding Kentucky Power Company, East Kentucky Power Cooperative, and Louisville Gas & Electric / Kentucky Utilities Company (Case Nos. 2023-00092, 2022-00098, and 2021-00393, respectively) KRC has represented coalitions of groups as counsel in intervention before the Commission.<sup>9</sup>

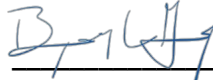
WHEREFORE, for the reasons stated above, Movants KFTC and KRC respectfully request to be accorded the status of full Intervenors, and that each party to the case be directed to serve upon the undersigned counsel all future pleadings and documents that are filed in this case.

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<sup>8</sup> December 16, 2022 Order at 2, Case No. 2022-00371; March 30, 2023 Order at 3, Case No. 2022-00387; January 12, 2023 Order at 4, Case No. 2022-00424.

<sup>9</sup> June 2, 2023 Order at 4, Case No. 2023-00092; June 24, 2022 Order at 5, Case No. 2022-00098; January 11, 2022 Order at 4, Case No. 2021-00393.

Respectfully submitted,



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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 November 17, 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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Byron L. Gary