

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILINGS OF LOUISVILLE )  
GAS AND ELECTRIC COMPANY AND )  
KENTUCKY UTILITIES COMPANY TO REVISE )  
PURCHASE RATES FOR SMALL CAPACITY ) CASE NO. 2023-00404  
AND LARGE CAPACITY COGENERATION AND )  
POWER PRODUCTION QUALIFYING )  
FACILITIES AND NET METERING SERVICE-2 )  
CREDIT RATES )

**JOINT MOTION OF KENTUCKY SOLAR ENERGY SOCIETY AND  
MOUNTAIN ASSOCIATION FOR FULL INTERVENTION AS JOINT  
INTERVENORS**

Pursuant to KRS 278.310, KRS 278.040(2), 807 KAR 5:001E, and the Commission's Order of December 13, 2023, Kentucky Solar Energy Society ("KYES") and Mountain Association ("MA") (together "Movants") request to be granted full intervenor status in the above-captioned proceeding, and state in support of their motion 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 5:001, 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>

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 they have made a timely motion for intervention and have a special interest in the case that is not otherwise adequately represented or that their 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. This motion for intervention is timely, since under the *Order* entered on December 13, 2023 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed no later than January 4, 2024.<sup>2</sup> Movants, if granted Joint Intervenor status, will accept and abide by the procedural schedule, including the filing of any testimony, 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.

4. Movants' interests in the *Electronic Tariff Filings of Louisville Gas and Electric Company and Kentucky Utilities Company to Revise Purchase Rates for Small*

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

<sup>2</sup> *Order* December 13, 2024, Case No. 2023-00404.

*Capacity and Large Capacity Cogeneration and Power Production Qualifying Facilities and Net Metering Service-2 Credit Rates* 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>

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

6. 807 KAR 5:001 Section 4(11)(b) provides that the Commission will grant full intervention status if the person “has special interests 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.” The special interests of Movants in the pending rate case are squarely within the ambit of the Commission’s jurisdiction over rates and service, and as noted above and discussed below, are not adequately represented by existing parties. The participation of Kentucky Solar Energy Society (“KYES”) and Mountain Association (“MA”) as Joint Intervenors will neither complicate or disrupt the proceedings, since the discovery, testimony, and witnesses will be jointly offered by the organizations, who have

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

adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case. Movants MA and KYSES participated as Joint Intervenors in Case Nos. 2020-00349 and 2020-00350 involving the Louisville Gas and Electric (“LG&E”) and Kentucky Utilities (“KU”) (together, “Companies”) tariffs at issue in this case, and Movants have participated as Joint Intervenors in Commission proceedings involving these 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.

8. 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 hundreds of small commercial KU customers over fifteen (15) 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.

9. 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>4</sup>

10. 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>5</sup>

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

12. 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. KYSES is comprised of members who include residential solar energy customers taking service from companies in their service territory; solar energy enthusiasts (including

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

potential future solar customers); professionals working in the clean energy field in business, nongovernmental organizations, and academia; and advocates for a transition to a clean energy economy.

13. 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.”<sup>6</sup>

14. In Case Nos. 2020-00349 and 2020-00350 the Commission agreed that intervention by KYSES and MA 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>7</sup>

WHEREFORE, for the reasons stated above, Joint Movants KYSES and MA respectfully request to be accorded the status of full Joint 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>6</sup> *Id.*

<sup>7</sup> *Order*, December 30, 2020, Case No. 2020-00349; and *Order*, December 30, 2020, Case No. 2020-00350.

Respectfully Submitted,



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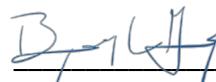
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### **CERTIFICATE OF SERVICE**

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 January 4, 2024; that the documents in this electronic filing are a true representation 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.



Byron L. Gary