

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE )  
ENERGY KENTUCKY, INC. FOR AN )  
ADJUSTMENT TO RIDER NM RATES AND FOR ) CASE NO. 2023-00413  
TARIFF APPROVAL )

**JOINT MOTION OF KENTUCKY SOLAR ENERGY SOCIETY AND  
KENTUCKIANS FOR THE COMMONWALTH 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 Kentuckians for the Commonwealth (“KFTC”) (together “Movants”) request to be granted full intervenor status in the above-captioned proceeding as Joint Intervenors, 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 January 05, 2024 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed no later than January 17, 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 Application of Duke Energy Kentucky, Inc. for an Adjustment to Rider NM Rates and for Tariff Approval* are different than those of the existing parties, and their participation is "likely to present issues or

---

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

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

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 this 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 KYSES and KFTC 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 adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case. Movants KYSES and KFTC participated as Joint Intervenors in Case No. 2020-00174 involving Kentucky Power

---

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

Company, and Case Nos. 2020-00349 and 2020-00350 involving the Louisville Gas and Electric (“LG&E”) and Kentucky Utilities (“KU”) (together, “Companies”). Each of these cases involved, among other issues, net metering valuation and compensatory rate calculation, resulting in tariff revisions, many of which issues are also relevant to this case. Movants have participated as Joint Intervenors in Commission proceedings involving these and other utilities, including Case No. 2022-00190 investigating the Fuel Adjustment Clause Regulation and 2022-00370 Investigating the amendments to the Public Utility Regulatory Policies Act and demand-side management, and have neither complicated nor disrupted those proceedings. Additionally, Andrew McDonald, who is designated client representative with KYSES, participated in the negotiation of the current interconnection guidelines along with representatives of Duke Energy Kentucky.

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

8. 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 Duke Energy Kentucky; solar energy enthusiasts (including 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.

9. 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>4</sup>

10. KFTC, a non-profit corporation in good standing incorporated under the laws of the Commonwealth of Kentucky with its principal office located at 131 North Mill Street, London, Kentucky 40743, is a 42-year-old, multi-issue grassroots organization of Kentuckians inspired by a vision of working 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 racial justice, a fair economy, a healthy environment, clean and affordable energy, and an honest democracy.

11. As a member-based organization, KFTC is uniquely positioned to be a voice for the needs and interests of Duke residential ratepayers. KFTC has a dozen chapters across the state, with over 12,000 members across nearly all of Kentucky’s

---

<sup>4</sup> *Id.*

120 counties. KFTC's members include approximately 1500 households taking service within the Duke service territory.

12. KFTC has been involved with issues affecting low-income residential ratepayers for more than 36 years and has significant experience in educating the public and supporting both public comments and expert testimony in rate cases, IRP cases, and administrative cases before the Kentucky Public Service Commission. KFTC staff and grassroots leaders have a deep understanding of the social and economic conditions facing communities and residential customers; the challenges of and opportunities for energy efficiency, demand side management, and distributed renewable energy; and the broader trends, challenges, and opportunities related to electric power generation and transmission in Kentucky.

13. As shown above, KFTC has a special interest in the case that is "not otherwise adequately represented" and alternatively that KFTC'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." On behalf of its members, KFTC brings over 30 years of experience in energy issues, particularly including deep understanding of the needs of residential customers for energy efficiency, demand-side management, and clean, healthy generating resources. KFTC's participation will assist the Commission

in fully investigating Duke Energy Kentucky's practices and service, without complication or disruption.

14. In Case Nos. 2020-00174,<sup>5</sup> 2020-00349<sup>6</sup> and 2020-00350<sup>7</sup> the Commission agreed that intervention by KYSES and KFTC 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."

WHEREFORE, for the reasons stated above, Joint Movants KYSES and KFTC 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.

---

<sup>5</sup> *Order*, August 04, 2020, Case No. 2020-00174.

<sup>6</sup> *Order*, December 30, 2020, Case No. 2020-00349.

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

Respectfully Submitted,



Byron L. Gary

Tom FitzGerald

Ashley Wilmes

Kentucky Resources Council

P.O. Box 1070

Frankfort, Kentucky 40602

(502) 875-2428

[Byron@kyrc.org](mailto:Byron@kyrc.org)

[FitzKRC@aol.com](mailto:FitzKRC@aol.com)

[Ashley@kyrc.org](mailto:Ashley@kyrc.org)

*Counsel for Movants for Joint  
Intervention Kentucky Solar  
Energy Society and Kentuckians  
for the Commonwealth*

### **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 17, 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