

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF)
LOUISVILLE GAS AND ELECTRIC)
COMPANY AND KENTUCKY UTILITIES) CASE NO. 2023-00422
COMPANY SERVICE RELATED TO WINTER)
STORM ELLIOTT)

**JOINT MOTION OF METROPOLITAN HOUSING COALITION,
KENTUCKIANS FOR THE COMMONWEALTH, KENTUCKY SOLAR
ENERGY SOCIETY, AND MOUNTAIN ASSOCIATION FOR FULL
INTERVENTION AS JOINT INTERVENORS**

Come now Metropolitan Housing Coalition (MHC), Kentuckians for the Commonwealth (KFTC), Kentucky Solar Energy Society (KYSES), and Mountain Association (MA) (collectively “Movants”), and by and through counsel, move for leave to participate as full Joint Intervenors in the above-captioned proceeding, which the Commission has opened to investigate Louisville Gas and Electric Company’s (LG&E) and the Kentucky Utilities Company’s (KU; jointly, the Companies) inability to provide retail electric service at the level demanded during Winter Storm Elliott in December 2022 and their subsequent actions to prepare for future periods of Bulk Power System stress. In support of their motion to intervene, Movants state as follows:

1. Intervention in formal proceedings before the Commission is within the Commission’s sound discretion 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 name and 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.¹

2. This motion for intervention is timely, since under the December 22, 2023 Order establishing the procedural schedule in this case, a motion for intervention is deemed timely if filed on or before January 12, 2024.

3. Movants, if granted Joint Intervenor status, will accept and abide by the procedural schedule, including deadlines for the filing of any Intervenor requests for information, so that there is and will be no prejudice to the other parties from the grant of full intervenor status to Movants at this time.

4. Movants' interests in this Commission investigation are distinct and different than those of other parties who have moved to intervene, including the Office of Attorney General and Kentucky Industrial Utility Customers, and Movants' participation is "likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings." Movants have participated as Joint Intervenors in several cases before this Commission, including Case No. 2022-00402, the recent proceeding concerning the Companies' requests for certain Certificates of Public Convenience and Necessity (CPCN), the record of which has been incorporated into this investigation. Movants have also participated in the Companies' most recent Integrated Resource Plan (IRP) proceeding and electric

¹ 807 KAR 5:001 §4(11)(a)(1).

rate and tariff cases. As shown through their participation in those cases, Movants bring value to the discussions and deliberations of the Commission and provide expert testimony and perspectives that might otherwise not be presented for consideration in determining wherein lies the public's interest and what is fair, just, and reasonable.

5. Other parties who have moved to intervene in this proceeding do not adequately represent the interests of Movants and their members. No other current party or movant represents the specific and distinct perspective and interests of Movants, as they are explained and discussed below.

6. 807 KAR 5:001 Section 4(11)(b) provides that the Commission will grant full intervention status if the person "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." As discussed below, Movants' special interests in this proceeding are squarely within the ambit of the Commission's jurisdiction over the Companies' provision of electric service and are not otherwise adequately represented.

7. In the alternative, full joint intervention should be granted since the participation of Movants would assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding. Movants' participation as Joint Intervenors will neither complicate nor disrupt the

proceedings, since any discovery or other submissions will be jointly offered by the four organizations. Movants have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case, including internal conflict resolution. Movants have participated in past Commission cases as Joint Intervenors and have neither complicated nor disrupted those proceedings.

8. MHC is a nonprofit, nonpartisan membership organization incorporated under the laws of the Commonwealth of Kentucky in 1989. MHC is comprised of approximately 300 individual and organizational members. MHC members include representatives of low-income households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, as well as other advocacy groups, advocating in a united voice for fair, safe, and affordable housing in the Metro Louisville area. For over three decades, MHC has utilized the public and private resources of the Metro Louisville community to provide equitable, accessible housing choices for all persons through advocacy, public education, and through support for affordable housing providers.

9. As part of its mission, MHC has focused on electric and gas utility costs as part of fair and affordable housing for many years. Utility costs are a significant component of affordable shelter and on these issues, MHC has done research, effectively advocated for policy changes, represented non-profit affordable housing developers, and worked with local and statewide

organizations. MHC publishes the annual *State of Metropolitan Housing Report (SMHR)*, three of which are focused on issues critical to Commission proceedings. The MHC 2008 *SMHR* focused on utility costs and affordable housing, as did the follow-up 2013 *SMHR* on *How to Lower Utility Costs*. In 2016, MHC worked with LG&E to update the 2013 *SMHR*. MHC has continued to research and analyze energy affordability, accessibility, and equity issues in the 2020-2021, 2022, and the recently released 2023 *SMHR* entitled *The State of Housing in a Changing Climate: Building Resilient Homes, Households, and Communities* - with particular focus on households at-risk of disconnections and shutoffs, and contextualized in the fallout of the global pandemic.

10. MHC brings a perspective on the impact of decisions regarding the provision of electric service and the particular and disproportionate impacts that utility costs have on access to affordable housing for fixed- and low-income individuals and families and has been an active member of the LG&E Customer Care Advisory Group since the program's inception and a member of the LG&E-KU Energy Efficiency Advisory Group. MHC was also an original board member of the Affordable Energy Corporation.

11. MHC maintains a loan pool for non-profit developers to create affordable housing, whether rental or owner-occupied, new or rehabilitated, and through this program requires energy efficiency measures and encourages renewable energy provision as a method of better controlling electricity costs. MHC has expanded this work as a community-based partner in Louisville Metro

Government's technical assistance grant through the U.S. Department of Energy's Communities Local Energy Action Program (Communities LEAP) Pilot, as the need for creating sustainable energy programs targeting economically disadvantaged households is essential to solving the attainable housing crisis in Louisville. MHC continues this partnership through a recent DOE BuildingUpgrades award with Louisville Metro.

12. In Cases No. 2011-00134, 2014-00003, 2014-00372, and 2016-00371 the Commission acknowledged that MHC's intervention is "likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings." The same is true here, with MHC uniquely positioned to present issues and develop facts relevant to the Companies' residential customers, particularly as concerns energy affordability and the impact of the Companies' transmission planning, resource, and other decisions on low- and fixed-income residential customers' electric service.

13. Kentuckians For The Commonwealth (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, 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.

14. As a member-based organization, KFTC is uniquely positioned to be a voice for the needs and interests of LG&E and KU residential ratepayers. KFTC has a dozen chapters across the state, with over 12,000 members across nearly all of Kentucky's 120 counties. KFTC's members include approximately 2,800 households taking service within the LG&E service territory, and 2,800 households taking service in the KU service territory.

15. 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.

16. 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 the Companies' practices and service, without complication or disruption.

17. The Kentucky Solar Energy Society, Inc. (KYES) is a non-profit corporation in good standing, incorporated under the laws of the Commonwealth of Kentucky, with its principal office at 1864 Frankfort Ave., Louisville, KY 40206. The mission of KYES is to promote the use of renewable energy resources, energy efficiency, and conservation in Kentucky through education, advocacy, networking, and demonstration of practical applications.

18. KYES is comprised of members who include residential solar energy customers in the Companies' service territories; solar energy enthusiasts (including potential future solar customers); professionals working in the clean energy field in business, non-governmental organizations, and academia; and advocates for a transition to a clean energy economy.

19. Among the members of KYES are Andy McDonald, CEM, who also formerly served as KYES vice-chair. McDonald is the Director of Apogee – Climate and Energy Transitions, a program of Earth Tools, Inc., which has offices in Owen County and Frankfort. McDonald has appeared and participated in numerous Commission proceedings involving solar energy, has worked for decades with solar energy in Kentucky, and can offer comments on the role that distributed energy resources can play in improving the reliability and resilience of

the Companies' system.

20. McDonald previously participated in the collaborative administrative case before this Commission that established the tariff and interconnection provisions for jurisdictional electric utilities under Kentucky's original "net metering" law, 2008-00169. Currently, McDonald is participating as an employee of Earth Tools, Inc. in Case No. 2020-00302, Electronic Investigation of Interconnection and Net Metering Guidelines. Mountain Association and Earth Tools, Inc. are Joint Intervenors in Case 2020-00302. KYSES has previously participated as one of the Joint Intervenors in the most recent Kentucky Power, LG&E, and KU rate proceedings, LG&E and KU's Joint 2021 IRP, East Kentucky Power Cooperative's and Kentucky Power's 2022 IRPs, and LG&E and KU's recent CPCN proceeding.

21. As shown, 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." KYSES' considerable experience with distributed energy resources, economics, and policies will aid the Commission in its investigation in this case, particularly related to the role that solar and battery storage resource can play in improving reliability and resilience.

22. Mountain Association (MA), a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with its office at 433

Chestnut Street, Berea, Kentucky, 40403, 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 KU customers over the last sixteen (16) 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. 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 stewardship.

23. Joshua Bills, CEM, is the Senior Energy Analyst for MA, and previously participated in the collaborative administrative case before this Commission that established the tariff and interconnection provisions for jurisdictional electric utilities under Kentucky's original "net metering" law, 2008-00169. Currently, Mr. Bills is participating as an employee of MA in Case No. 2020-00302, Electronic Investigation of Interconnection and Net Metering Guidelines. MA also participated as a Joint Intervenor in the most recent Kentucky Power, LG&E and KU rate cases, LG&E/KU's Joint 2021 IRP, East

Kentucky Power Cooperative's and Kentucky Power's 2022 IRPs, and LG&E and KU's recent CPCN proceeding. In particular, Mr. Bills offered expert testimony in Kentucky Power's pending rate case, Case No. 2023-00159.

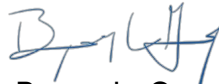
24. As shown, MA has a special interest in the case that is "not otherwise adequately represented" and alternatively that its participation as a Joint Intervenor "is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings." MA is uniquely experienced in energy efficiency, energy security, and resilience in the face of climate change, including in regard to distressed regions in Eastern Kentucky in KU's service territory. If granted intervenor status, MA will apply its extensive knowledge of demand-side management, distributed generation, and resilience to presenting issues and developing facts that will assist in the Commission's deliberations.

25. As has been shown through the participation of Joint Intervenors across multiple cases before this Commission, Joint Intervenors possess significant information and unique perspectives concerning the integration of renewable energy, energy conservation, and demand-side/non-wires options for reliably addressing utility customer needs at the lowest reasonable cost, that will assist in the full and fair exploration of the issues in the Commission's investigation. Joint Intervenors are uniquely able to contribute to the development of robust factual record here owing to their longstanding participation in the Companies' DSM/EE Advisory Group and recent engagement in the Companies'

IRP and CPCN proceedings, where Joint Intervenors sponsored expert testimony addressing the Companies' resource modeling, maintaining reliability and affordability, and other issues.

WHEREFORE, for the reasons stated above, Joint Movants MHC, KFTC, 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.

Respectfully submitted,




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CERTIFICATE OF SERVICE

This is to certify that electronic version of the Joint Motion of Metropolitan Housing Coalition, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, and Mountain Association For Full Intervention As Joint Intervenors, is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on January 12, 2024 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



Byron L. Gary