

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

In the matter of: :

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

KENTUCKY COAL ASSOCIATION, INC.’S MOTION TO INTERVENE

Comes the Kentucky Coal Association, Inc. (“KCA”), 880 Corporate Drive, Suite 101, Lexington, Kentucky 40503 pursuant to 807 KAR 5:001 Section 4(11), KRS 278.310, and KRS 278.040(2), by counsel, and moves for full intervenor status in this action. In support of this motion, KCA states as follows:

KCA is a Kentucky nonprofit corporation in existence as a corporation since 1947. KCA is the state’s leading organization dedicated to advancing the interests of the coal industry across Kentucky. KCA’s member companies are drawn from throughout Kentucky, including but not limited to underground and surface coal producers, and their suppliers and service providers. KCA provides leadership for the coal industry and enhances the ability of the Kentucky coal industry to compete in domestic and world coal markets in such areas including but not limited to energy policy. Members of KCA include corporations, firms or individuals directly engaged in producing and/or processing coal in the Commonwealth of Kentucky and other associations, organizations, corporations, firms or individuals interested in promoting the welfare of the coal industry in the Commonwealth of Kentucky. Several members of KCA are served by Kentucky Utilities Company and Louisville Gas and Electric Company (collectively, the “Companies”), including Muhlenberg County Coal Resources, Inc. (and various affiliates doing business in Kentucky collectively “ACNR, Inc.”), Alliance Coal, LLC, Associated Engineers, Inc., Boyd

Company, Caudill Seed Company, Liberty Mining Consultants, Inc., Jennmar USA, Joy Global Underground Mining, LLC, Mine and Mill Supply Company, LLC, Minova USA, Penn Virginia Resource Partners, LP and Traditional Bank.¹

In this matter the Commission is in the process of examining the issues surrounding the rolling blackouts caused by Winter Storm Elliott. Promoting and providing reliable energy through coal is of paramount importance to KCA members and the Commonwealth of Kentucky as articulated in SB4 (KRS § 278.264). KCA was an active participant in Case No. 2022-00402. Winter Storm Elliott and the reasons for the rolling blackouts were extensively discussed in Case No. 2022-00402. Furthermore, coal-fired power plants have been criticized as a cause of the rolling blackouts in Case No. 2022-00402 and by media sources.² The Commission's investigation into Winter Storm Elliott and the causes of the power failures has consequence to KCA members and impacts KCA and KCA's members. KCA members employ thousands of Kentucky citizens.³ Like KIUC, KCA members also have a significant interest in reliable and resilient power for their own businesses. KCA and its members have a special interest⁴ which is

¹ KCA will supplement the names of additional KCA member intervenors, if necessary. Of note, while Alliance Coal, LLC is also a member of KIUC other members of KCA seeking intervention are not otherwise represented or part of any other groups seeking intervention in this proceeding.

² E.g., <https://kentucky Lantern.com/2023/09/08/coal-fired-power-failures-during-winter-storm-come-to-light-months-later/>

³ <https://eec.ky.gov/Energy/News-Publications/Quarterly%20Coal%20Reports/2020-Q1.pdf>

⁴ Notably, KCA members, Muhlenberg County Coal Resources, Inc. an affiliate of ACNR Coal Sales, Inc. and Alliance Coal, LLC provided LG&E coal sourced within the Companies' electric service distribution area in Western Kentucky for the Mill Creek Station based on the analysis of Coal Purchased for Fuel Clause Backup in November 2022. See, https://psc.ky.gov/PSC_WebNet/FuelContracts/Supplemental/Louisville%20Gas%20and%20Electric%20Company%20-%20LGE/1-13-23.pdf;

not otherwise represented by any other party or prospective party in this above-captioned case including that of the Attorney General and its participation will not unduly complicate or disrupt the proceeding.

KCA is in a unique position on behalf of the coal industry to assist the Commission in evaluating the reasons for the rolling blackouts associated with Winter Storm Elliott. KCA's intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand. KCA has operated since 1942 and was formally incorporated in 1947. In this proceeding, KCA currently expects to, at a minimum, conduct discovery, and actively participate at the evidentiary hearing. Therefore, KCA will be a helpful and active participant should its request to intervene be granted along with this motion being timely. KCA intervention will not unduly complicate or disrupt the proceedings.

The attorneys for KCA authorized to represent it in this proceeding and to take service of all documents are:

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Wherefore, KCA respectfully requests that it be granted full intervenor status in the above captioned proceeding.

Respectfully submitted,

/s/Matt Malone

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Counsel for the Petitioner,

KENTUCKY COAL ASSOCIATION, INC.

CERTIFICATE OF SERVICE

I hereby certify that KCA's January 12, 2024 electronic filing is a true and accurate copy of KCA's pleading and Read 1st Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on January 12, 2024; that an original and one copy of the filing will not be mailed to the Commission given the pandemic orders; that there are currently no parties excused from participation by electronic service; and that, on January 12, 2024, electronic mail notification of the electronic filing is provided to all parties of record.

/s/Matt Malone

Attorney for Kentucky Coal Association, Inc.