

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2024 INTEGRATED)
RESOURCE PLAN OF DUKE ENERGY) CASE NO. 2024-00197
KENTUCKY, INC.)

**JOINT MOTION OF KENTUCKY SOLAR ENERGY SOCIETY AND
KENTUCKIANS FOR THE COMMONWEALTH 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 July 16, 2024, Kentucky Solar Energy Society (“KYSES”), Kentuckians for the Commonwealth (“KFTC”), and Kentucky Resources Council (“KRC”) (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.¹

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

¹ 807 KAR 5:001 §4(11)(a)(1).

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 July 16, 2024 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed no later than July 16, 2024.² 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 2024 Integrated Resource Plan of Duke Energy Kentucky, Inc.* 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."³

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

² *Order* December 13, 2024, Case No. 2023-00404.

³ 807 KAR 5:001 §4(11)(a)1.

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, KFTC, and KRC 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 Nos. 2021-00393, 2022-00098, and 2023-00092, the most recent IRPs of Louisville Gas & Electric Company and Kentucky Utilities Company, East Kentucky Power Cooperative, and Kentucky Power Company, respectively. KFTC and KRC participated as Joint Intervenors in Case No. 2023-00310, the most recent IRP of Big Rivers Electric Corporation. Some or all of 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 customer-generator interconnection guidelines along with representatives of Duke Energy Kentucky. Most recently KFTC and KYSES participated as Joint Intervenors in Case No. 2023-00413, *Electronic*

Application of Duke Energy Kentucky, Inc. for an Adjustment to Rider NM Rates and for Tariff Approval.

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.”⁴

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

⁴ *Id.*

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

15. 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."

16. In Case Nos. 2020-00174,⁵ 2020-00349,⁶ 2020-00350,⁷ 2021-00393,⁸ 2022-00098,⁹ 2023-00092,¹⁰ 2023-00310,¹¹ and 2023-00413,¹² the Commission agreed that intervention by KYSES, KFTC, and/or KRC 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."

⁵ *Order*, August 04, 2020, Case No. 2020-00174.

⁶ *Order*, December 30, 2020, Case No. 2020-00349.

⁷ *Order*, December 30, 2020, Case No. 2020-00350.

⁸ *Order*, January 11, 2022, Case No. 2021-00393.

⁹ *Order*, June 24, 2022, Case No. 2022-00098.

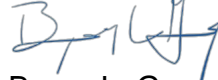
¹⁰ *Order*, June 02, 2023, Case No. 2023-00092.

¹¹ *Order*, December 05, 2023, Case No. 2023-00310.

¹² *Order*, January 29, 2024, Case No. 2023-00413.

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.

Respectfully Submitted,

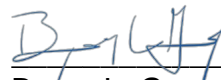


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CERTIFICATE OF SERVICE

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 July 24, 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