

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

In the matter of: :

ELECTRONIC 2024 JOINT INTEGRATED : CASE NO. 2024-00326  
RESOURCE PLAN OF LOUISVILLE GAS :  
AND ELECTRIC COMPANY AND :  
KENTUCKY UTILITIES COMPANY :

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**KENTUCKY COAL ASSOCIATION, INC.’S MOTION TO INTERVENE**

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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 Alliance Coal, LLC, Associated Engineers, Inc., Boyd Company, Caudill Seed Company, Liberty Mining Consultants, Inc., Jenmar USA, Joy Global Underground Mining,

LLC, Mine and Mill Supply Company, LLC, Minova USA, and Penn Virginia Resource Partners, LP.<sup>1</sup>

In this matter the Commission is in the process of examining LG&E/KU's 2024 Integrated Resource Plan ("IRP"), including its analysis of changes in load forecast, transmission, the regulatory climate, and joining PJM. Previously, in 2022, LG&E/KU filed a CPCN case (2022-00402) seeking to retire coal fired power plants such as Ghent Unit 2 and Brown Unit 3. Currently, LG&E/KU have decided not to retire Ghent Unit 2 and instead install a SCR and to not retire Brown 3 until 2035 in this IRP.<sup>2</sup> LG&E/KU's 2024 IRP also recommends adding a significant amount of new generation beyond the previous CPCN approvals in the 2022-00402 matter, specifically, another 400 MW of battery storage in 2028, a second 645 MW NGCC unit in 2031, and an additional 500 MW of solar in 2035.<sup>3</sup> Assumptions associated with the IRP involve assessing applicability of section 111(d) of the Clean Air Act pertaining to power plants and load growth.<sup>4</sup>

The Companies' IRP has consequence to KCA members and impacts KCA and KCA's members. KCA members employ thousands of Kentucky citizens.<sup>5</sup> KCA members also have a significant interest in reliable and resilient power for their own businesses. KCA and its members have economic interests in ensuring that the Companies' IRP promotes reliable and

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<sup>1</sup> 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.

<sup>2</sup> LG&E/KU 2024 IRP Executive Summary at 8, Table 3.

<sup>3</sup> LG&E/KU 2024 IRP Executive Summary at 8, Table 3.

<sup>4</sup> Id. at 3-7.

<sup>5</sup> <https://eec.ky.gov/Energy/News-Publications/Quarterly%20Coal%20Reports/2020-Q1.pdf>

resilient coal fired energy. Additionally, KCA and its members have procedural and organizational interests in advocating on behalf of the thousands of Kentucky citizens and businesses supporting their livelihoods from the coal industry in this case. Conversely, other proposed intervenors in this matter, such as the Sierra Club, may advocate for the retirement of coal-fired units within this IRP (e.g. Ghent, Brown and Mill Creek).<sup>6</sup> If granted intervention, KCA will include expert involvement to evaluate the Companies' IRP proposal including but not limited to the financial benefits of the continued operation of the existing coal-fired units. Herein, the Companies' IRP recommends adding a Natural Gas Combined Cycle plant, battery storage and solar generation that will change the nature and cost of the energy and capacity provided to KCA members served by the Companies. KCA members operate and support the production of coal in Kentucky counties within the Companies' electric distribution service area<sup>7</sup> including but not limited to Henderson and Union County.<sup>8</sup> *See, e.g.,* fn. 7.

KCA and its members have a special interest which is 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 has previously successfully intervened in Case No. 2022-00402 (Companies' 2022 CPCN case), and Case No. 2023-00422 (Winter Storm Elliott Investigation).

KCA is in a unique position on behalf of the coal industry to assist the Commission in evaluating the Companies' IRP. KCA's intervention is likely to present issues or develop facts

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<sup>6</sup> Sierra Club, Motion to Intervene, filed October 29, 2024, p. 7.

<sup>7</sup> [https://psc.ky.gov/agencies/psc/images/electric\\_service\\_areas\\_wall\\_map.pdf](https://psc.ky.gov/agencies/psc/images/electric_service_areas_wall_map.pdf)

<sup>8</sup> <https://www.kentuckycoal.com/wp-content/uploads/2018/07/ky-coal-facts-2017.pdf> (*see*, p. 59 of 122)

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, provide written comments and actively participate in any hearing in this matter. 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 November 8, 2024 electronic filing is a true and accurate copy of KCA's pleading and Read 1<sup>st</sup> Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on November 8, 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 November 8, 2024, electronic mail notification of the electronic filing is provided to all parties of record.

/s/Matt Malone

Attorney for Kentucky Coal Association, Inc.