

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

In the Matter of:

ELECTRONIC APPLICATION OF EAST	)	
KENTUCKY POWER COOPERATIVE, INC. FOR 1)	)	
CERTIFICATES OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A NEW	)	
GENERATION RESOURCES; 2) FOR A SITE	)	CASE NO. 2024-00370
COMPATIBILITY CERTIFICATE RELATING TO	)	
THE SAME; 3) APPROVAL OF DEMAND SIDE	)	
MANAGEMENT TARIFFS; AND 4) OTHER	)	
GENERAL RELIEF	)	

**JOINT MOTION OF APPALACHIAN CITIZENS' LAW CENTER,  
KENTUCKIANS FOR THE COMMONWEALTH, AND MOUNTAIN  
ASSOCIATION FOR FULL INTERVENTION AS JOINT INTERVENORS**

Come now Appalachian Citizens' Law Center, Kentuckians for the Commonwealth, and Mountain Association (collectively "Joint Movants"), by and through counsel, and move for leave to participate as full Joint Intervenors in the above-captioned proceeding. In support of this Joint Motion, Movants state 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>

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<sup>1</sup> 807 KAR 5:001 §4(11)(a)(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 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 Dec. 05, 2024 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed not later than Dec. 13, 2024.<sup>2</sup> Movants, if granted Joint Intervenor status, will accept and abide by the procedural schedule, including the filing of any comments, 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 case are different from 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."<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

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<sup>2</sup> *Order* (Dec. 05, 2024).

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

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 the pending rate 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 Appalachian Citizens’ Law Center, Kentuckians for the Commonwealth, and Mountain Association as Joint Intervenors will neither complicate or disrupt the proceedings, since the discovery, testimony, and witnesses will be jointly offered by the four organizations, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case. Several movants participated as Joint Intervenors in Case No. 2024-00310 involving East Kentucky Power Cooperative, Inc. (“EKPC”), and Movants have participated as Joint Intervenors in Commission proceedings involving other utilities and have neither complicated nor disrupted those proceedings.

7. Appalachian Citizens’ Law Center (“ACLC”) is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky with its office at 317 Main Street, Whitesburg, Kentucky.

8. Since its incorporation in 2001, ACLC has focused on addressing the environmental, health, and economic impacts of resource extraction in Eastern Kentucky and Central Appalachia. ACLC’s primary work includes both direct representation of individuals and groups and policy and advocacy work aimed at addressing the ongoing and legacy impacts of the coal industry and the economic

impacts of its decline. Currently, ACLC's work includes numerous efforts to address utility unaffordability throughout Eastern Kentucky. ACLC advocates for energy and water affordability on behalf of low-income residents in the region by participating as stakeholders in national and state energy and water affordability discussions and workgroups, by conducting research on utility affordability, and by directly representing the Martin County Concerned Citizens before the PSC.

9. In addition to ACLC's specific focus on utility affordability, ACLC focuses its advocacy on measures to ensure that the nation's transition away from coal takes into account the extraordinary burdens eastern Kentucky has faced and continues to face as a result of more than a century of dependence on coal. ACLC believes that responsible transition requires that new energy production and significant new energy uses must be scrutinized to ensure that, at a minimum, they are sustainable in the long term, will not burden our communities, and provide community benefits.

10. It is clear that ACLC has a special interest in the case that is "not otherwise adequately represented" and alternatively that ACLC'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."<sup>4</sup>

11. Kentuckians for the Commonwealth ("KFTC") is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky with its principal office located at 131 North Mill Street, London, Kentucky 40743.

12. KFTC is a forty-one-year-old, multi-issue grassroots organization of Kentuckians inspired by a vision to work for a brighter future for all people, no matter our color, where we come from, or how much money we have. Together, KFTC

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

members organize for a fair economy, a healthy environment, new safe energy, and an honest democracy. KFTC has twelve chapters across the state—including eastern Kentucky chapters in the Cumberland region, Rowan County, Shelby County, and Wilderness Trace regions, with over 1,000 members who get their residential electric utility service from distribution cooperatives that purchase wholesale power from EKPC distributed across all 16 of EKPC’s distribution cooperatives—and with 12,000 members in nearly all of Kentucky’s 120 counties.

13. As an organization, KFTC has been involved with issues affecting low-income residential ratepayers for over thirty years and has significant experience in educating the public and supporting both public comments and expert testimony in rate cases and has gained a deep understanding of the needs of residential customers across the state, and specifically in Eastern Kentucky, for energy efficiency, demand side management, and a healthy energy system, and the consequences for communities of the transition to clean energy. As a member-based organization with deep roots in the region, KFTC is uniquely positioned to be a voice for the needs and interests of KPCo residential ratepayers who are also KFTC members.

14. It is clear that KFTC has a special interest in the case that is “not otherwise adequately represented” and alternatively that KFTC’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.”<sup>5</sup>

15. Mountain Association (“MA”) is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with an office at 433 Chestnut Street, Berea, Kentucky, 40403.

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<sup>5</sup> *Id.*

16. MA 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 hundreds of small commercial KPCo customers over fifteen (15) 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.

17. 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 environmental stewardship.<sup>6</sup>

18. It is clear that MA has a special interest in the case that is "not otherwise adequately represented" and alternatively that MA'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."<sup>7</sup>

19. In Case No. 2024-00310 involving EKPC, the Commission agreed that KFTC and MA's participation was "likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or

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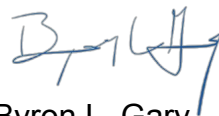
<sup>6</sup> KYDEP, "Gov. Andy Beshear and Secretary Rebecca Goodman Announce Annual Environmental Awards of Excellence," Naturally Connected (Dec. 4, 2020), <https://kydep.wordpress.com/2020/12/04/gov-andy-beshear-and-secretary-rebecca-goodman-announce-annual-environmental-awards-of-excellence/>.

<sup>7</sup> 807 KAR 5:001 § 4(11)(a)(1).

disrupting the proceedings.”<sup>8</sup> Similarly, in Cases No. 2022-00098 involving EKPC joint movants were also granted Joint Intervenor status.<sup>9</sup>

WHEREFORE, for the reasons stated above, Joint Movants Appalachian Citizens’ Law Center, Kentuckians for the Commonwealth, and Mountain Association 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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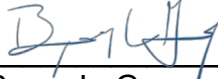
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<sup>8</sup> *Electronic Application of East Kentucky Power Cooperative, Inc. for 1) a Certificate of Public Convenience and Necessity to Construct a New Generation Resource; 2) a Site Compatibility Certificate; And 3) Other General Relief*, Case No. 2024-00310, Order at 4 (Nov. 21, 2024).

<sup>9</sup> *Electronic 2022 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.*, Case No. 2022-00098, Order (Jun. 24, 2022)

## 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 December 13, 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.

  
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Byron L. Gary