

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

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY AND LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR CERTIFICATES OF)	CASE NO. 2025-00045
PUBLIC CONVENIENCE AND NECESSITY AND)	
SITE COMPATIBILITY CERTIFICATES)	

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

Come now Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Metropolitan Housing Coalition, 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:

Introduction

1. Each of the Joint Movants has a distinct but overlapping interest in, and expertise relating to the instant case, and a history of assisting in developing facts before the Public Service Commission (“the Commission” or “PSC”).

2. Joint Movants’ interests in the Companies’ Application for Certificates of Public Convenience and Necessity and Site Compatibility Certificates are distinct and different than those of the existing parties, including the Office of the Attorney General, and Joint 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.” As discussed in detail below, Joint Movants have

participated as Joint Intervenors in several cases before this Commission, including all cases incorporated by reference into this record (Case No. 2022-00402, Case No. 2023-00123, and Case No. 2024-00326). As shown through their prior participation, Joint Movants bring value to the discussions and deliberations of the Commission and intend to provide expert testimony and perspectives that would otherwise not be presented for the Commission's consideration in determining wherein lies the public's interest and what is fair, just, and reasonable.

Legal Standard

3. 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

4. 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.

¹ 807 KAR 5:001 §4(11)(a)(1).

Joint Movants

5. 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. KFTC pays electric rates to KU at this principal office, and to LG&E at its Jefferson County office at 735 Lampton Street, Louisville, Kentucky 40203.

6. 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 members organize for a fair economy, a healthy environment, new safe energy, and an honest democracy. KFTC has twelve chapters across the state—including chapters in the Big Sandy region, Central Kentucky, Kentucky River region, Western Kentucky, Rowan County, and Shelby County many of whose members are KU ratepayers, and a Jefferson County Chapter with many members who are LG&E ratepayers. Altogether KFTC has more than 12,000 members in nearly all of Kentucky’s 120 counties.

7. 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, 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 and over 6,000 members who take service in the LG&E or KU service territory, KFTC is uniquely positioned to be a

voice for the needs and interests of LG&E-KU residential ratepayers who are also KFTC members.

8. KFTC's internal Chapter Working Groups include energy and/or environmental justice working groups in both Central Kentucky and Jefferson County that have a focus on ensuring a just energy transition that takes into account the needs of both low-income ratepayers, as well as the effects of the siting and operations of energy producing facilities in both of those areas, which are affected specifically in this case by the application for a CPCN for new natural gas combined cycle units in Louisville and Central Kentucky, as well as a new battery energy storage system (BESS) in Louisville. KFTC members who are ratepayers across the state additionally have a vested interest in the outcome of the case.

9. Kentucky Solar Energy Society ("KYES") is a non-profit corporation in good standing, incorporated in the Commonwealth of Kentucky, with its principal office at 215 Oxford Place Louisville 40207. 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. KYES is comprised of members who include residential solar energy customers taking service from LG&E and KU in its service territory; 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.

10. Due to KYES members' strong concern with the future of Kentucky's energy system and the role customers can play as active participants helping to sustain

the grid through the use of on-site, customer-owned distributed energy resources, their interests are directly impacted by the outcome of this application. KYSES members have both a direct interest in how LG&E-KU plan to serve their customer's needs (being impacted as ratepayers and in many cases customer-generators) and expertise in the area of distributed energy resources, which serve as a direct alternative to the supply-side resources proposed in this CPCN. This includes expertise with Battery Energy Storage Systems (BESS), one of the technologies proposed by LG&E-KU in this application.

11. Metropolitan Housing Coalition (“MHC”) is a nonprofit, nonpartisan membership organization incorporated under the laws of the Commonwealth of Kentucky in 1989, with an office in Metro Louisville taking service from LG&E, and comprising 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, and other advocacy groups, advocating with a united voice for fair, safe, and affordable housing in the Metro Louisville area. For almost 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.

12. As part of its mission, MHC has focused on electric and gas utility costs as an integral component 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.

13. MHC was an original board member of the Affordable Energy Corporation. MHC brings a perspective on the impact of decisions regarding capital investment and demand side strategies regarding utility service and the particular and disproportionate impacts that utility costs have on access to affordable housing for fixed- and low-income individuals and families.

14. MHC 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. In 2016, MHC worked with LG&E to update the report *How to Lower Utility Costs: A Guide to Louisville Programs for Energy Efficient Improvements and Resources to Help Pay a Utility Bill*, which MHC had first written and published in 2013.

15. The MHC 2008 *State of Metropolitan Housing Report* focused on utility costs and affordable housing, as did the aforementioned follow-up MHC 2013 report on *How to Lower Utility Costs*. MHC has continued to research and analyze energy affordability, accessibility, and equity issues in the 2020-2021 and 2022 *State of Metropolitan Housing Reports*—with particular focus on households at-risk of disconnections and shutoffs and contextualized in the fallout of the global pandemic. The 2023 *State of Metropolitan Housing Report* focused on the state of housing in a changing climate.

16. MHC maintains a loan pool for non-profit developers to create affordable housing, whether rental or owner-occupied, new or rehabilitated. MHC mandates 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 and Buildings Upgrades Award, as the need for creating sustainable energy programs targeting economically disadvantaged households is essential to solving the attainable housing crisis in Louisville.

17. Mountain Association is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with an office at 433 Chestnut Street, Berea, Kentucky, 40403.

18. Mountain Association 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. Mountain Association has worked with hundreds of small commercial KU customers over fifteen (15) years providing financing to access investments in energy efficiency and renewable energy, resulting in reduced operating expenses. In that time, they have helped more than 50 commercial KU customers make nearly 100 energy upgrades, as well as identifying numerous costly billing errors. As a result, these customers are saving over \$340,000 per year on their utility bills. At the same time, Mountain Association has assisted energy contractors with technical trainings and equipment financing to grow their businesses.

19. On December 4, 2020, Kentucky Energy and Environment Cabinet Secretary Rebecca Goodman announced Mountain Association as the recipient of the 2020 Environmental Pacesetter Award, given for innovative efforts in protecting the environment and setting an example of environmental stewardship.²

20. Mountain Association focuses a key part of its programs and research on assisting small commercial ratepayers in Eastern Kentucky, who are often not represented in PSC cases, with cost saving measures. It also watches the effects of investments in energy infrastructure on the rate base. Mountain Association staff distill policy-related information and communicate that information out in a variety of accessible ways to help Eastern Kentuckians better understand how their everyday lives could be impacted by decisions at the state and federal level, such as those at issue in the instant case.

Application of Standard

21. 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 issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.”

22. The special interests of Joint Movants in the pending CPCN 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

² 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/>.

participation of Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Metropolitan Housing Coalition, 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. Joint Movants participated as Joint Intervenors most recently in Case No. 2024-00326, the Electronic 2024 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company, and Joint Movants have participated as Joint Intervenors in Commission proceedings involving these and other utilities and have neither complicated nor disrupted those proceedings.

23. This motion for intervention is timely, since under the *Order* entered on March 13, 2025 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed not later than March 21, 2025.³ Joint Movants, if granted intervention, 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 Joint Movants at this time.

24. As demonstrated above for each organization, 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."⁴

³ *Order* (March 13, 2025).

⁴ 807 KAR 5:001 §4(11)(a)1.

25. Existing parties to the proceeding do not adequately represent the interests of Joint Movants. No current party, including the Attorney General, represents the specific perspective and interests of Joint Movants, as discussed below.

26. Movant KFTC has a particularized interest and expertise in the impacts of resource decisions by LG&E/KU, including effects on low-income ratepayer-members in Jefferson County and Central Kentucky, and across the state. KFTC's members include ratepayers that bear the costs and risks of utility resource decisions, and have a direct interest in supporting reasoned decision-making by a well-informed regulator by putting forward expertise on supply- and demand-side resource alternatives and evaluation, including from members who participate regularly in the organization's energy justice working groups.

27. Movant KYSES has a particularized interest and expertise in implementation of solar energy and renewables, as well as behind-the-meter alternatives to utility-scale projects. KYSES' expertise in renewable energy and energy conservation will advance the development of a complete record and well-informed decision-making, particularly regarding supply- and demand-side alternatives to the resources proposed here.

28. Movant Mountain Association has a particularized interest and expertise in the effects of utility projects on communities, low-income individuals, and small businesses in Eastern Kentucky. These issues are directly relevant to the requested siting certificates and generation proposals, particularly due to the combined \$3.725 billion in capital costs at issue in this proceeding. Mountain Association staff have direct experience collaborating with LG&E/KU customers to help them to understand, reduce,

and afford energy bills, and develop more resilient and reliable energy resources. That interest and experience includes economic development needs and trends in central Kentucky and statewide, another matter particularly at issue in this proceeding.

29. Movant MHC has a particularized interest and expertise in the effects of utility projects on communities and low-income individuals in Louisville. MHC is committed to intervening in PSC cases that impact ratepayers' electricity needs and rates. They advocate for low- and fixed-income households, ensuring that utilities consider the low-cost, high-benefit options for their ratepayers. MHC urges the PSC to prioritize affordability in every case and hold utilities accountable for being cost-effective, so ratepayers are not solely reliant on bill assistance programs. It is essential to include all relevant stakeholders in these discussions, especially those who represent the local community, and to ensure they have a voice in these proceedings. MHC seeks permission to intervene in this CPCN case, as the utilities are forecasting an unprecedented load growth of 35-40% by 2032, estimated to cost \$3.7 billion. MHC understands that LG&E/KU plan to recover costs by increasing rates for ratepayers, which could contribute to the affordable housing crisis and other cost of living issues many Kentuckians are already experiencing. It is crucial for MHC to intervene in this case to ensure that the voices of vulnerable communities are heard and that decisions made by the PSC prioritize affordability and fairness for all ratepayers.

30. Members and staff of each organization have also participated in LG&E-KU's demand-side management advisory group meetings.

31. In Case No. 2024-00326, the Electronic 2024 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company, the

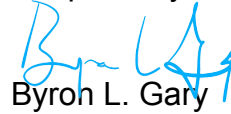
Commission agreed that KFTC, KYSES, MHC, and Mountain Association's participation was "likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings."⁵ Similarly, in Cases Nos. 2020-00349, 2020-00350, 2021-00393, 2022-00402, 2023-00122, 2023-00404, and 2023-00422 involving LG&E and/or KU, some or all Joint Movants were also granted Joint Intervenor status, and their participation presented issues and developed facts assisting in full consideration of the matter without unduly complicating or disrupting the proceedings. In various other cases involving other utilities across the state, including within the past year Case Nos. 2024-00115, 2024-00197, 2024-00310, and 2024-00370, some combination of joint intervenors have been granted intervention, and assisted in presenting issues and developing facts without unduly complicating or disrupting the proceedings.

WHEREFORE, for the reasons stated above, Joint Movants Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Metropolitan Housing Coalition, and Mountain Association respectfully request to be accorded the status of full Joint Intervenor, 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.

[Signatures on following page]

⁵ Case No. 2024-00326, the Electronic 2024 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company, *Order* at 1 (Nov. 21, 2024).

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 March 17, 2025; 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