

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

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF KENTUCKY</b>	)	
<b>UTILITIES COMPANY AND LOUISVILLE GAS</b>	)	
<b>AND ELECTRIC COMPANY FOR CERTIFICATES</b>	)	<b>Case No. 2025-00045</b>
<b>OF PUBLIC CONVENIENCE AND NECESSITY</b>	)	
<b>AND SITE COMPATIBILITY CERTIFICATES</b>	)	

**SIERRA CLUB’S MOTION TO INTERVENE**

Pursuant to K.R.S. § 278.310 and 807 K.A.R. 5:001, Section 4(11), Sierra Club respectfully moves for full intervention in the above-captioned proceeding filed by Louisville Gas and Electric Company and Kentucky Utilities Company (collectively, “LG&E/KU” or “the Companies”). LG&E/KU has applied for Certificates of Public Convenience and Necessity (“CPCN”), including its analysis of changes in load forecast and transmission. Sierra Club seeks full intervention to help ensure that CPCNs are approved only if it represents the best option to satisfy LG&E/KU’s members’ interest in low-cost service.

On February 28, 2025, LG&E/KU filed its CPCN application requesting approval for the construction of two approximately 645 megawatt (“MW”) net summer rating natural gas combined cycle combustion turbine (“NGCC”) facilities, one at KU’s E.W. Brown Generating Station in Mercer County, Kentucky (“Brown 12”) and the other at LG&E’s Mill Creek Generating Station in Jefferson County, Kentucky (“Mill Creek 6”), including on-site natural gas

and electric transmission construction associated with those facilities.<sup>1</sup> LG&E/KU further seeks a CPCN to construct a 400 MW, 4-hour (1600 megawatt hour (“MWh”)) lithium-ion battery energy storage system (“BESS”) facility at LG&E’s Cane Run Generation Station in Jefferson County, Kentucky (“Cane Run BESS”).<sup>2</sup> Finally, LG&E/KU seeks a CPCN to construct a selective catalytic reduction (“SCR”) facility at its Ghent Generating Station in Carroll County, Kentucky for Ghent 2.<sup>3</sup> The total price tag for these CPCNs is \$3.725 billion (\$1.383 billion for new 645 MW NGCC plant at Brown 12, \$1.415 billion for new 645 MW NGCC Mill Creek 6, \$775 million for 400 MW, 4-hour Cane Run BESS, and \$152 million for SCR at Ghent 2.<sup>4</sup>

Economic development load is responsible for virtually all this growth. Specifically, LG&E/KU projects that economic development load will increase between 2025 and 2032 by approximately 2,000 MW. The projections of load growth are driven almost exclusively by the anticipated location of 1,750 MW of data centers in the LG&E/KU service territory. At this time, much of this projected load growth is still speculative as only 652 MW is associated with known possible projects (402 MW is for the possible PowerHouse Data Center and 250 MW for the BlueOval SK Battery Park (“BOSK”)).<sup>5</sup>

The Companies’ approach to handling this speculative possible load growth raises a number of concerns. The Companies analyzed three load scenarios in its 2024 Integrated Resource Plan (“IRP”)—the low-load, mid-load, and high-load scenarios, and have based these CPCN requests off of a blend of the mid-load and high-load scenarios.<sup>6</sup> Specifically, the 2025

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<sup>1</sup> Application of Kentucky Utilities Company and Louisville Gas & Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates, Case No. 2025-00045, at 1 (Feb. 28, 2025) (hereinafter “LG&E/KU CPCN Application”).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 1-2.

<sup>4</sup> *Id.* at 12.

<sup>5</sup> *See id.* at 5-6; *see also* Direct Testimony of Tim A. Jones, Case No. 2025-00045, at 4, 14 (Feb. 28, 2025) (hereinafter “Jones Direct Testimony”).

<sup>6</sup> Jones Direct Testimony at 8.

CPCN Load Forecast is the 2024 IRP Mid load forecast extended to 2054 and adjusted to include the 2024 IRP High load forecast's economic development load.<sup>7</sup> Thus the 2025 CPCN Load Forecast includes 1,750 MW of data center load by 2032, and the 120 MW BOSK Phase Two load.<sup>8</sup>

The Commission must consider the reasonableness of this Load Forecast Assumption as the basis for these four CPCN requests. With respect to the load forecast associated with data centers, the Companies have no means to know whether inquiries from customers are duplicative of inquiries made by those same customers at other load serving entities. Service territory shopping, when data center developers are in conversations with multiple utilities across a number of states, is standard practice.<sup>9</sup> This means that possible load growth will be reflected in numerous utility load forecasts.<sup>10</sup> Indeed, since the Companies appear to lack any barriers to entry to their load interconnection queue, it's possible that inquiries are coming from customers who have no intention of constructing data centers themselves and are merely attempting to hold a place in line.<sup>11</sup> This CPCN docket will thus focus on how to address need given the possible, but still speculative, large load forecasts when there is a high degree of uncertainty around which service territory the data centers will ultimately decide to join.

Sierra Club has extensive experience evaluating the issues raised in the Companies' CPCNs, including how to handle projected but still speculative load growth associated with data centers. Sierra Club has regularly intervened successfully in matters before the Kentucky Public Service Commission and in other jurisdictions nationwide, including numerous proceedings

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *See* Sierra Club's Corrected Comments in LG&E/KU 2024 IRP, Case No. 2024-00326, at 5 (March 14, 2025).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

regarding CPCNs and data center load growth. In fact, Sierra Club has previously successfully intervened in proceedings by LG&E/KU in Kentucky, including Case No. 2022-00402 (the Companies’ 2022 CPCN case) and Case No. 2024-00326 (the Companies’ 2024 IRP). As the Commission has previously recognized, it should grant Sierra Club’s motion to intervene because Sierra Club possesses “special knowledge and expertise in multiple areas” and is thus “likely to present issues and develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings.”<sup>12</sup>

## **I. MOVANT**

Sierra Club moves to intervene in this proceeding on behalf of itself and its members who live and purchase utility services in Kentucky, many of whom are residential customers of LG&E/KU. Sierra Club is a national, non-profit environmental and conservation organization. Sierra Club has approximately 2.1 million members and supporters across its sixty-four chapters, covering all fifty states, the District of Columbia, and Puerto Rico. More than 4,900 Kentuckians belong to Sierra Club’s Kentucky Chapter.<sup>13</sup> Sierra Club’s Kentucky address is: Sierra Club, Kentucky Chapter, P.O. Box 1368, Lexington, KY 40588.

Sierra Club seeks to participate in this proceeding in order to protect (1) its organizational interests and (2) the interests of Sierra Club members who (a) are customers of the Companies and/or (b) live, work, and recreate in and around the Companies’ power generation units, and who will be directly affected by any Commission order regarding the proposed CPCNs.

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<sup>12</sup> See, e.g., *In re: Electronic Application of Louisville Gas and Electric Co. for an Adjustment of Its Electric Rates and for Certificates of Public Convenience and Necessity*, Case No. 2016-00371, Order (Jan. 11, 2017) at 3; *In re: Electronic Application of Kentucky Utilities Co. for an Adjustment of Its Electric Rates and for Certificates of Public Convenience and Necessity*, Case No. 2016-00370, Order (Jan. 11, 2017) at 3; *In re: Application of Kentucky Utilities Co. for an Adjustment of Its Electric Rates*, Case No. 2014-00371, Order (Jan. 13, 2015) at 4-5; *In re: Application of Louisville Gas and Electric Co. for an Adjustment of Its Electric Rates*, Case No. 2014-00372, Order (Jan. 13, 2015) at 4.

<sup>13</sup> Requiring member names infringes on Sierra Club members’ rights of free association. However, if required by Commission order, Sierra Club will provide the names of one or more specific members.

Sierra Club and its members who are LG&E/KU customers or otherwise directly impacted by the Companies' facilities have economic and environmental interests in ensuring that LG&E/KU plans are not building for new customers that may never materialize and would thus unduly burden existing customers, provide for the least-cost means of meeting customer energy and reliability needs based on reasonable load forecasts while also avoiding unnecessary pollution and unnecessary construction of generation sources. Sierra Club and its members have economic and environmental interests in whether further clean energy alternatives would be more affordable or lower risk, while maintaining reliability. Sierra Club members who are LG&E/KU customers have an economic interest in ensuring that future electricity rates truly represent the least-cost option and don't include expensive speculative overbuilds, and an interest in the safety and reliability of the electric grid.

Sierra Club and its members also have environmental and health interests in transitioning away from polluting fossil fuel generation resources as soon as possible and ensuring that there is no unnecessary construction of new fossil fuel generation sources. Continued burning of fossil fuels contributes to polluting the surrounding communities and to climate change. These outcomes adversely impact the environment and public health, contrary to the interests of Sierra Club and its members.

Finally, Sierra Club and its members have procedural and organizational interests in exercising their rights to participate in this proceeding to advocate for accelerating the electric sector's transition from high-cost, harmful fossil fuel-based generation to cleaner energy sources, preventing the unnecessary buildout of fossil fuel-based generation for speculative load growth that may never materialize, more affordable energy sources to save customers money, preserve reliability, and assist impacted communities and workers. Sierra Club seeks full intervention to

ensure that its members' interests in ensuring that LG&E/KU's investment, operational, and resource decisions are reasonable are fully represented. Specifically, Sierra Club will investigate, among other issues, whether the Companies' 2025 CPCN Load Forecast is reasonable, whether the CPCNs are currently needed for future customers or whether they are based on still speculative load growth that would unduly burden existing customers, whether each of the projects (new generation and retrofit of existing generation) represent the least-cost option for customers, and if the Companies could avoid costs by converting existing coal-fired facilities to gas, and investing more in renewable energy, storage, or efficiency measures. Sierra Club may advance other positions as it conducts discovery in this proceeding.

## **II. THE COMMISSION SHOULD GRANT SIERRA CLUB'S MOTION.**

Sierra Club satisfies either of the two independently sufficient bases for timely intervention. First, Sierra Club will smoothly aid the Commission's full consideration of the matters at hand—as it has done in the past. Second, Sierra Club has a special interest not otherwise adequately represented in this case. The Commission may grant intervention on either basis without opining on the other, and has done so on the former ground without reaching the latter.

### **A. Sierra Club Will Present Issues and Develop Facts That Will Assist the Commission in Fully Considering the Matter Without Unduly Complicating or Disrupting the Proceedings.**

The Commission should grant Sierra Club full intervention because it 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.”<sup>14</sup> This proceeding involves complex questions regarding whether constructing two new gas-fired power plants and a battery project

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<sup>14</sup> 807 K.A.R. 5:001, Section 4(11).

and retrofitting an existing coal-fired generation asset for possible load growth that hasn't materialized yet is a public convenience and necessity.<sup>15</sup> The Companies' expansion plans are based on the 2025 CPCN Load Forecast, which is the 2024 IRP Mid load forecast extended to 2054 and adjusted to include the 2024 IRP High load forecast's economic development load.<sup>16</sup> Thus the 2025 CPCN Load Forecast includes 1,750 MW of data center load by 2032 and the 120 MW BOSK Phase Two load.<sup>17</sup> Of this projected 1,750 MW of new data center load, only one 402 MW hyperscale data center is identified by name and the rest of the data center load growth stems from general inquiries from data centers.<sup>18</sup>

As a party to this proceeding, Sierra Club will ensure that the 2025 CPCN Load Forecast is robustly examined. As noted above, it is standard practice for data centers, including hyperscalers, to service-territory shop.<sup>19</sup> This means that possible load growth will be reflected in numerous utility load forecasts simultaneously.<sup>20</sup> Indeed, since the Companies appear to lack any barriers to entry to their load interconnection queue, it's possible that data center inquiries are coming from customers who have no intention of constructing data center themselves and are merely attempting to hold a place in line.<sup>21</sup>

In addition, as a party to this proceeding, Sierra Club will ensure that the Companies considered the appropriate suite of alternatives and that the proposed Brown 12 NGCC, Mill Creek 6 NGCC, Cane Run BESS, and Ghent 2 SCR Retrofit Project are truly the most

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<sup>15</sup> LG&E/KU CPCN Application at 10.

<sup>16</sup> Jones Direct Testimony at 8.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 14.

<sup>19</sup> See Sierra Club's Corrected Comments in LG&E/KU 2024 IRP, Case No. 2024-00326, at 5 (March 14, 2025).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

reasonable and cost-effective alternatives. In addition, Sierra Club will ensure that the Companies adequately considered demand-side management,<sup>22</sup> renewables, and gas conversions.

Kentucky law requires that a utility obtain a CPCN for “the construction of any plant, equipment, property, or facility” with limited exceptions.<sup>23</sup> To receive a CPCN, a utility must show (1) a need for the construction and (2) an absence of wasteful duplication.<sup>24</sup> Need requires a “showing of substantial inadequacy of existing service.”<sup>25</sup> Wasteful duplication means “an excess of capacity over need” and “an excessive investment in relation to productivity or efficiency, and an unnecessary multiplicity of physical properties.”<sup>26</sup> Demonstrating an absence of wasteful duplication requires showing that “a thorough review of all reasonable alternatives has been performed.”<sup>27</sup> The proposal selected need not be the absolute least cost, but “[t]he fundamental principle of reasonable least-cost alternative is embedded in ... [the] analysis.”<sup>28</sup>

Sierra Club is seeking to present testimony regarding whether: (1) the 2025 CPCN Load Forecast is reasonable and sufficient to justify almost \$4 billion in investment in new generation; (2) there are steps that the Commission can take to ensure that existing customers are not unduly burdened by possible, but still speculative, new customers; and (3) the Brown 12 NGCC, Mill Creek 6 NGCC, Cane Run BESS, and Ghent 2 SCR Retrofit Project proposed by the Companies might be wasteful duplication in light of the full range of alternatives, given the capital,

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<sup>22</sup> LG&E/KU claims that “data center developers with whom the Companies have interacted have expressed no interest in either DSM-EE programs or curtailable service.” Jones Direct Testimony at 13. Sierra Club intends to analyze this assertion.

<sup>23</sup> K.R.S. § 278.020(1)(a).

<sup>24</sup> *Ky. Utils. Co. v. Pub. Serv. Comm’n*, 252 S.W.2d 885, 890 (Ky. 1952); *In re: Electronic Application of Kentucky Power Co. for a CPCN to Rebuild the Wootton-Stinnett Portion of the Hazard-Pineville 161 KV Line in Leslie County*, Case No. 2022-00118, Final Order (Ky. P.S.C. Sept. 22, 2022) at 16-17, [https://psc.ky.gov/pscscf/2022%20Cases/2022-00118/20220922\\_PSC\\_ORDER.pdf](https://psc.ky.gov/pscscf/2022%20Cases/2022-00118/20220922_PSC_ORDER.pdf).

<sup>25</sup> Case No. 2022-00118, Final Order (Ky. P.S.C. Sept. 22, 2022) at 16 (quoting *Ky. Utils. Co.*, 252 S.W.2d at 890).

<sup>26</sup> *Id.*

<sup>27</sup> Case No. 2022-00118, Final Order (Ky. P.S.C. Sept. 22, 2022) at 16.

<sup>28</sup> *Id.* at 16-17.



operating, and fuel costs of each proposed project. The Commission cannot reach a logical determination on the reasonableness of the proposed capital investment without evaluating each of those issues.

The Commission must balance the need of the Companies to provide service for possible new economic development with the need to ensure that existing ratepayers are not unnecessarily burdened with construction costs for demand that may never materialize. In addition, interconnecting and serving data center customers pose unique challenges to reliable system operations given the scale and speed to energization. Sierra Club wants to ensure that the Commission evaluates the full suite of these concerns in evaluating these CPCNs, so it can accurately determine the least cost option for moving forward and prevent wasteful duplication. Sierra Club is not advocating any particular resource mix or alternative at this time, and instead seeks to contribute to a robust examination of the comparative costs and benefits of viable options.

LG&E/KU's application deals with complicated issues that could have impacts on ratepayers for generations to come. Sierra Club respectfully submits that its participation will help develop a thorough record, stimulate a robust evaluation of the issues, and inform the Commission's ultimate decision about the prudence, necessity, and public interest in LG&E/KU's proposed CPCNs. Through discovery, the filing of expert testimony, examination of witnesses, and legal briefing, Sierra Club will help to illuminate the economic and environmental risks associated with building for new load that may never materialize, as well as the potential benefits of meeting energy and capacity needs with additional affordable, renewable energy generation or storage capacity and how to structure rates and capacity expansion for new customers that doesn't unnecessarily burden existing customers. Sierra Club has knowledge of

and experience with these kinds of questions, having previously studied, argued, and helped resolve them in Commissions across the country. The organization has particular expertise with analysis of how utilities and commissions should appropriately handle load growth stemming from data centers.

In sum, if granted intervention, Sierra Club will develop facts and present issues (developed through requests for information, other available data, and expert testimony) to assist the Commission in fully considering LG&E/KU's proposal, without unduly complicating or disrupting the proceeding

**B. Movants Have Special Interests Not Otherwise Adequately Represented.**

As noted above, 807 K.A.R. 5:001, Section 4(11) provides two alternative bases for granting full intervention. Parties either need to have a special interest not adequately represented or present issues and facts that will help the Commission fully consider the matter. As explained in Section II.A., above, Sierra Club will present issues and facts that will help the Commission fully consider the matter. Therefore, the Commission can grant full intervention on that basis alone and need not consider Sierra Club's special interest. Nevertheless, as explained below, Sierra Club also has special interests that are not adequately represented.

Sierra Club has members who are customers and ratepayers of LG&E/KU, who fund LG&E/KU's operations, and the Commission's decision about whether to grant the CPCNs for almost \$4 billion for the construction of the Brown 12 NGCC, Mill Creek 6 NGCC, Cane Run BESS, and Ghent 2 SCR Retrofit Project and subsequent surcharges will directly impact their bills. In addition, Sierra Club members live within the LG&E/KU service territory and, therefore, are impacted by the economic, public health, and environmental effects of the resource decisions that LG&E/KU makes. In addition, Sierra Club's desire to ensure that utilities in Kentucky do not imprudently invest in fossil-fuel generation to serve as yet to materialize future load and

invest in aging coal-fired generation when other less-carbon intensive and less expensive alternatives are available is directly related to the issues of this proceeding.

Sierra Club's interests are not adequately represented by any of the parties in the proceeding, as none of the other parties can adequately represent Sierra Club's interests as an organization that is interested in ensuring that utilities do not overbuild fossil fuel generation, invest in unnecessary capital upgrades at aging coal plants when lower carbon generation sources represent the most reasonable and cost-effective way for LG&E/KU to maintain essential electric services, and meet possible but still emerging new demand.

The Attorney General cannot adequately represent Sierra Club's interests.<sup>29</sup> The Attorney General has the unenviable task of representing all consumers and all of their diverse interests, even if some of the interests are diametrically opposed to each other. In fact, courts have "repeatedly held that private companies can intervene on the side of the government, even if some of their interests converge."<sup>30</sup> That is because "government entities are usually charged with representing the interests of the American people, whereas aspiring intervenors, like the [Sierra Club] here, are dedicated to representing their personal interests or the interests of their members or members' businesses."<sup>31</sup> While the Attorney General is tasked with representing the

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<sup>29</sup> The Commission allowed Sierra Club and other environmental organizations to recently intervene in three dockets in which the Attorney General had already intervened. *See, e.g., In re: Application of Duke Energy Kentucky, Inc., for (1) an Adjustment of Electric Rates; (2) Approval of New Tariffs; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities*, Case No. 2022-00372, Order (Jan. 6, 2023), [https://psc.ky.gov/pscscf/2022%20Cases/2022-00372//20230106\\_PSC\\_ORDER.pdf](https://psc.ky.gov/pscscf/2022%20Cases/2022-00372//20230106_PSC_ORDER.pdf); *In re: Joint Application of Kentucky Utilities Co. and Louisville Gas and Electric Co. for Certificates of Public Convenience and Necessity and Site Compatibility Certificates, Approval of a Demand-Side Management Plan, and Approval of Fossil Fuel-Fired Generating Unit Retirements*, Case No. 2022-00402, Order (Feb. 9, 2023), [https://psc.ky.gov/pscscf/2022%20Cases/2022-00402//20230209\\_PSC\\_ORDER.pdf](https://psc.ky.gov/pscscf/2022%20Cases/2022-00402//20230209_PSC_ORDER.pdf); *In re: Elec. 2024 Integrated Resource Plan of Duke Energy Kentucky*, Case No. 2024-00197, Order (Aug. 6, 2024), [https://psc.ky.gov/pscscf/2024%20Cases/2024-00197//20240806\\_PSC\\_ORDER.pdf](https://psc.ky.gov/pscscf/2024%20Cases/2024-00197//20240806_PSC_ORDER.pdf).

<sup>30</sup> *See, e.g., Hardin v. Jackson*, 600 F.Supp.2d 13, 16 (D.D.C. 2009).

<sup>31</sup> *County of San Miguel v. MacDonald*, 244 F.R.D. 36, 48 (D.D.C. 2007) (internal quotation marks omitted); *see also Purnell v. City of Akron*, 925 F.2d 941, 949-950 (6th Cir. 1991) (granting intervention in a wrongful death suit when intervenors' interests were personal and narrower than the current defendants); *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 737 (D.C. Cir. 2003) (movant satisfied its burden where it sought to protect interests that

overall, and sometimes conflicting, public interest(s) in this proceeding, Sierra Club has a narrower interest and concern in ensuring that fossil fuel generation is not unnecessarily built and that all reasonable new generation approved for construction reflects the least-cost reliable option after a robust examination of all viable alternatives are adequately presented to the Commission.

The Attorney General has previously encouraged the Commission to allow public interest groups to intervene when the “Attorney General is not capable of providing the same perspective and representation” as a public interest group.<sup>32</sup> Moreover, the Commission cannot interpret its regulations to provide that the mere fact that the Attorney General intervened in this case to mean that Sierra Club’s interests are adequately represented, for that is the situation in every case. Such an interpretation would render the intervention provision for parties other than the Attorney General superfluous, which would run contrary to the rules of statutory and regulatory interpretation.<sup>33</sup>

Finally, although Sierra Club and its members could submit public comments, the ability to offer a public comment is not a substitute for the complete participation afforded to parties. While a public comment is filed in the case record, public commenters are not deemed parties to the proceedings and are not named as parties to any appeal.<sup>34</sup> Only parties to the proceedings are afforded the right to review confidential information (subject to appropriate protective

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were “more narrow and parochial” than the government’s interests [internal quotations omitted]); *Am. Horse Prot. Ass’n v. Veneman*, 200 F.R.D. 153, 159 (D.D.C. 2001) (granting intervention of right where intervenors had “more narrow interests and concerns” than the government entity); *Jansen v. City of Cincinnati*, 904 F.2d 336, 343 (6th Cir. 1990) (granting intervention when intervenors agreed with the government’s conclusion but differed in their rationale); *S. Utah Wilderness v. Norton*, 2002 WL 32617198, at \*5 (D.D.C. June 28, 2002) (concluding that government entity may not adequately represent specific interests of private entity).

<sup>32</sup> See *In re: Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates for Gas Service*, Case No. 2009-00141, Attorney General’s Comments Regarding Motion of Stand Energy Corporation Customer Group to Intervene (June 17, 2009) at 1-2 (arguing that the Commission should grant the SEC Customer Group’s motion to intervene), [https://psc.ky.gov/PSCSCF/2009%20cases/2009-00141/20090617\\_AG\\_Comments.PDF](https://psc.ky.gov/PSCSCF/2009%20cases/2009-00141/20090617_AG_Comments.PDF).

<sup>33</sup> See *Lexington-Fayette Urban County Gov’t v. Johnson*, 280 S.W.3d 31, 34 (Ky. 2009); *Univ. of the Cumberland v. Pennybacker*, 308 S.W.3d 668, 683-84 (Ky. 2010).

<sup>34</sup> 807 K.A.R. 5:001, Section 4(11)(e).

agreements),<sup>35</sup> to ask and answer requests for information,<sup>36</sup> to participate in conferences with Commission staff,<sup>37</sup> to offer testimony from an expert witness, and to cross-examine witnesses at a hearing, if requested.

The Commission should grant Sierra Club intervention as it has special interests that are not adequately represented.

### **III. CONCLUSION**

Sierra Club respectfully requests that the Commission permit Sierra Club to fully intervene in these proceedings, as it has in other recent proceedings.

Dated: March 21, 2025

Respectfully submitted,

/s/ Joe F. Childers

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<sup>35</sup> 807 K.A.R. 5:001, Section 13(6).

<sup>36</sup> 807 K.A.R. 5:001, Section 4(12).

<sup>37</sup> 807 K.A.R. 5:001, Section 9(4).

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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing copy of Sierra Club's motion to intervene in this action is being electronically transmitted to the Commission on March 21, 2025, and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/ Joe F. Childers  
JOE F. CHILDERS