

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

In the matter of: :

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

:

KENTUCKY COAL ASSOCIATION, INC.’S MOTION TO INTERVENE

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 Eastern and Western Kentucky, including but not limited to underground and surface 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., Jennmar USA, Joy Global Underground Mining, LLC, Mine and Mill Supply Company, LLC, Minova USA, and Penn Virginia Resource Partners, LP.¹

In this matter the Commission is in the process of examining the requests of the Companies: (i) for a Certificate of Public Convenience and Necessity (“CPCN”) Application; (ii) to build two 645 MW Natural Gas Combined Cycle plants; (iii) to build a 400 MW battery storage facility; (iv) to construct a selective catalytic reduction (SCR) at Ghent 2; and (v) site compatibility certificates for Brown 12, Mill Creek 6, and the Cane Run BESS. The Companies’ request to build or add the Natural Gas Combined Cycle plants and battery storage will change the nature and cost of the energy and capacity provided to KCA members served by the Companies. Specifically, KCA members operate and produce coal in Kentucky counties within the Companies’ electric distribution service area² including but not limited to Henderson and Union county.³ Also, KCA is located at 880 Corporate Drive, Lexington, Kentucky 40503 receiving and paying for electric service from the Companies. The Companies’ request to construct an SCR at Ghent 2 is appreciated by KCA and testimony from KCA on this issue⁴ and other matters in this CPCN would be beneficial for the Commission. Assumptions associated with this CPCN involve assessing applicability of section 111(d) of the Clean Air Act which KCA would plan to address in testimony. KCA members employ thousands of Kentucky

¹ 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.

² https://psc.ky.gov/agencies/psc/images/electric_service_areas_wall_map.pdf

³ <https://www.kentuckycoal.com/wp-content/uploads/2018/07/ky-coal-facts-2017.pdf> (see, p. 59 of 122)

⁴ The Commission is aware that other proposed intervenors in this matter will likely take a contrary view regarding the use of an SCR on Ghent 2.

citizens in Eastern and Western Kentucky.⁵ 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 previously actively participated in Case No. 2022-00402 (CPCN Case) and KCA is actively participating in Case No. 2024-00326 (IRP Case); provided the Commission grants intervention in this proceeding KCA would plan to actively participate.

Approval of this application would have a significant impact on KCA's members, their respective employees, and their budgets. KCA has unique knowledge of the impact on the Kentucky coal industry as it pertains to the Companies' requests in this proceeding. KCA's intervention is likely to present issues or develop facts 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, file expert testimony, and actively participate at the evidentiary hearing. Therefore, KCA will be a helpful and active participant should its request to intervene be granted. KCA recognizes that the procedural schedule was entered on March 13, 2025 with an intervention date of March 21, 2025. As good cause, undersigned counsel was not aware of the issuance of the procedural schedule until today (March 25, 2025), had the flu last week and moved offices internally as well. Additionally, outside of the Attorney General, no other motions to intervene have been granted for any other parties as of yet with an oversight herein of four (4) days. KCA intervention will not unduly complicate or disrupt the proceedings and will abide by the procedural schedule.

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

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 March 25, 2025 electronic filing is a true and accurate copy of KCA's pleading and Read 1st Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on March 25, 2025; 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 March 25, 2025, electronic mail notification of the electronic filing is provided to all parties of record.

/s/Matt Malone

Attorney for Kentucky Coal Association, Inc.