

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

In the Matter of:

ELECTRONIC INVESTIGATION OF NUCLEAR	)	
ENERGY, GENERATION, STORAGE, AND	)	CASE NO. 2025-00186
RELATED MATTERS	)	

**MOTION OF THE KENTUCKY RESOURCES COUNCIL FOR FULL  
INTERVENTION**

Comes now the Kentucky Resources Council, Inc. ("KRC"), by and through counsel, and moves for leave to participate as a full intervenor in the above-captioned proceeding. In support of this Motion, Movant states as follows:

**Introduction**

1. For more than a quarter of a century, the Kentucky Resources Council has been at the forefront of investigations, discussions, and negotiations regarding Kentucky's energy needs and opportunities, including the role of nuclear power in addressing those needs and providing those opportunities. KRC was the named representative of environmental interests in the Kentucky Energy Policy Board established by then-Governor Paul Patton in 2001, and participated in the drafting, negotiation, and creation of the Kentucky Electric Generation and Transmission Siting Board that governs the siting review of merchant electric generation plants. During the intervening quarter-century, KRC worked with members of the Kentucky General Assembly (particularly Senators Leeper and Carroll) to first modify and later eliminate the prohibition in Kentucky law that had precluded consideration of new nuclear energy facilities in the Commonwealth, so that the exploration could begin in earnest of whether

and to what extent nuclear power would be a part of Kentucky's electric generation portfolio.

2. KRC has also been active in drafting, development, and implementation of siting processes at the state and local level for both energy and non-energy facilities, and brings to this investigation an understanding of the concerns of host communities regarding facilities that generate and manage wastes of potential health or safety concern. Among the areas identified in the June 16, 2025 *Order* opening Case No. 2025-00186 is the siting of generation, storage, and waste management facilities; all areas in which KRC's experience and expertise may be of assistance.

3. KRC's interests in the Commission's Investigation are distinct and different from those of existing parties, including the Office of the Attorney General, and KRC's 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, KRC has participated in as well as represented various public interest organizations in numerous cases before this Commission, including the Commission's previous general investigations.<sup>1</sup> As shown through their prior participation, KRC brings value to the discussions and deliberations

---

<sup>1</sup> As Intervenors: Case No. 2022-00371, *Electronic Tariff Filing of Kentucky Utilities Company for Approval of an Economic Development Rider Special Contract with Bitiki-Ky, LLC*; Case No. 2022-00387, *Electronic Tariff Filing of Kentucky Power Company for Approval of a Special Contract with Ebon International, LLC*; Case No. 2022-00424, *Electronic Tariff Filing of Kentucky Power Company for Approval of a Special Contract Under Its Economic Development Rider and Demand Response Service Tariffs with Cyber Innovation Group, LLC*; Case No. 2023-00310, *Electronic 2023 Integrated Resource Plan of Big Rivers Electric Corporation*.

As counsel on Commission investigations: Case No. 2022-00190, *Electronic Investigation of the Fuel Adjustment Clause Regulation 807 KAR 5:056, Purchased Power Costs, and Related Cost Recovery Mechanisms*; Case No. 2022-00370, *Electronic Investigation of Amendments to the Public Utility Regulatory Policies Act of 1978 and Demand Response Practices*.

of the Commission and perspectives that would otherwise not be presented for the Commission's consideration in exploring the matters outlined in the *Order*.

### **Legal Standard**

4. 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>2</sup>

5. 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.

6. This investigation differs from those considering changes in rates or terms of service, considering a broad array of policy, technical, social, and environmental health and safety concerns. KRC's familiarity with energy policy issues, with the applicable statutes and regulations under which the Public Service Commission operates and under which other state, federal, and local agencies regulate aspects of the life cycle of nuclear energy, will be of benefit to the Commission in assuring full and

---

<sup>2</sup> 807 KAR 5:001 §4(11)(a)(1).

fair consideration of the benefits, disbenefits, opportunities and risks associated with advancing nuclear energy in the Commonwealth.

### **Movant**

7. KRC is a non-profit membership corporation in good standing incorporated under the laws of the Commonwealth of Kentucky and dedicated to prudent use and conservation of the natural resources of the Commonwealth. Since 1984, KRC has provided legal and technical assistance without charge to low-income individuals, organizations, and communities across the Commonwealth on a range of environmental and energy-related matters. KRC members include numerous individuals who are citizens, ratepayers, and property owners across the Commonwealth, and KRC has representational standing to represent their interests.

8. KRC has a long history of work on nuclear issues of concern in the Commonwealth, including enrichment, storage, and disposal of waste at the former Paducah Gaseous Diffusion Plant; storage of low-level radioactive waste at the Maxey Flats Disposal Site; and legislative matters surrounding nuclear issues. Since 1984, KRC has been invited to participate in legislative and executive branch task forces and policy boards to evaluate energy needs and to craft energy policy in the Commonwealth, including the role of nuclear generation in addressing Kentucky's energy needs. Among those, as noted above, was the appointment of KRC as the environmental representative on the Kentucky Energy Policy Advisory Board that worked in conjunction with PSC staff and the Commission to create the Kentucky Electric Generation and Transmission Siting Board, now codified at KRS 278.700-716.

### Application of Standard

9. 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.”

10. As demonstrated above KRC’s interests in the case are different from those of the existing parties, **and** KRC’s 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>

11. The special interests of KRC in the pending application are squarely within the ambit of the Commission’s opening Order in this proceeding “to assemble all regulated electric generating utilities as well as all other interested parties to identify and discuss pertinent issues involving the construction, operation, and funding of potential nuclear electric generating facilities.”<sup>4</sup>

12. Existing parties to the proceeding do not adequately represent the interests of KRC and its members. No current party, including the Attorney General, represents the above-described specific perspective and interests of KRC. KRC has particular knowledge and expertise in representing the interests of residential, in particular low-income, ratepayers, as well as small commercial ratepayers, all of which have a particular sensitivity to policy changes affecting rates. KRC also has special interests, and expertise in environmental protection, prudent use and conservation of

---

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

<sup>4</sup> Order at 3-4 (Jun. 16, 2025).

the natural resources of the Commonwealth, and long-term management of wastes associated with electricity generation (including from nuclear facilities).

13. Furthermore, as noted above, KRC will present issues and develop facts that will assist the Commission in fully considering the matters outlined in the *Order*.<sup>5</sup> KRC's ability to do so is demonstrated by our past participation in PSC cases, previous work on nuclear issues affecting the Commonwealth, submission of the Statement of Issues in this case, participation in the Informal Conference in this matter on September 10, 2025, and participation in the "Kentucky Nuclear In-State Retreat" hosted by the Kentucky Governor's Office and the National Governor's Association September 16-17, 2025.

14. The participation of Kentucky Resources Council, Inc. as an Intervenor will neither complicate or disrupt the proceedings, as made clear by previous participation as both an intervenor and as counsel for other public interest nonprofit groups in numerous previous cases before the Commission.<sup>6</sup> Furthermore, this motion is timely as

---

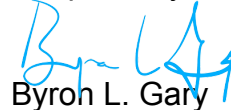
<sup>5</sup> KRC, Statement of Issues (Jul. 11, 2025).

<sup>6</sup> In addition to Case Nos. 2022-00371, 2022-00387, 2022-00424, 2023-00310, 2022-00190, and 2022-00370 noted above, KRC has represented various other groups that have moved for and been granted intervention in seven additional cases in the past year alone: Case No. 2024-00115, *Electronic Application of Kentucky Power Company For: (1) Approval to Expand Its Targeted Energy Efficiency Program; (2) Approval of a Home Energy Improvement Program and a Commercial Energy Solutions Program; (3) Authority to Recover Costs and Net Lost Revenues, and to Receive Incentives Associated with the Implementation of Its Demand-Side Management/Energy Efficiency Programs; (4) Approval of Revised Tariff D.S.M.C.; (5) Acceptance of Its Annual DSM Status Report; And (6) All Other Required Approvals and Relief*, Case No. 2024-00310, *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. 2024-00326, *Electronic 2024 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2024-00370, *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 Compatibility Certificate Relating to the Same; 3) Approval of Demand Side Management Tariffs; And 4) Other General Relief*, Case No. 2025-00045, *Electronic Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates*, Case No. 2025-00113, *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates and Approval of Certain Regulatory and Accounting Treatments*, Case No. 2025-00114, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates and Approval of Certain Regulatory and Accounting Treatments*

pursuant to the Commission's Order of August 01.<sup>7</sup> KRC will continue to abide by any further schedule laid out by the Commission in this matter.

WHEREFORE, for the reasons stated above, Movant the Kentucky Resources Council, Inc., respectfully requests to be accorded the status of full 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.

Respectfully Submitted,



Byron L. Gary  
Ashley Wilmes  
Audrey Ernstberger  
Tom FitzGerald  
Kentucky Resources Council  
P.O. Box 1070  
Frankfort, Kentucky 40602  
(502) 875-2428  
[Byron@kyrc.org](mailto:Byron@kyrc.org)  
[Ashley@kyrc.org](mailto:Ashley@kyrc.org)  
[Audrey@kyrc.org](mailto:Audrey@kyrc.org)  
[FitzKRC@aol.com](mailto:FitzKRC@aol.com)

*Counsel for Movant for Intervention the  
Kentucky Resources Council, Inc.*

### **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 October 01, 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

---

<sup>7</sup> Order at 2 (Aug. 01, 2025).