

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

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY		
POWER COMPANY FOR (1) A GENERAL	)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC	)	
SERVICE; (2) APPROVAL OF TARIFFS AND	)	CASE NO. 2025-00257
RIDERS; (3) APPROVAL OF CERTAIN	)	
REGULATORY AND ACCOUNTING	)	
TREATMENTS; AND (4) ALL OTHER REQUIRED	)	
APPROVALS AND RELIEF		

**JOINT MOTION OF APPALACHIAN CITIZENS' LAW CENTER,  
KENTUCKIANS FOR THE COMMONWEALTH, KENTUCKY SOLAR ENERGY  
SOCIETY, AND MOUNTAIN ASSOCIATION FOR FULL INTERVENTION OUT  
OF TIME AS JOINT INTERVENORS**

Come now Appalachian Citizens' Law Center, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, and Mountain Association (collectively "Joint Movants"), by and through counsel, and move for leave to participate as full Joint Intervenor in the above-captioned proceeding. Joint Movants recognize that this motion is being made untimely, but as described below have good cause and will abide by the current procedural schedule. 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 Company's *Electronic Application of for (1) a General Adjustment of Its Rates for Electric Service; (2) Approval of Tariffs and*

*Riders; (3) Approval of Certain Regulatory and Accounting Treatments; and (4) All Other Required Approvals and Relief*, 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 the Company's most recent rate case and demand-side management (DSM) case.<sup>1</sup> As shown through their prior participation, Joint Movants bring value to the discussions and deliberations of the Commission 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

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<sup>1</sup> Case no. 2023-00159, *Electronic Application of Kentucky Power Company for (1) a General Adjustment of Its Rates for Electric Service; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) a Securitization Financing Order; And (5) All Other Required Approvals and Relief* ("2023 Rate Case"); 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* ("2024 DSM Case").

will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.<sup>2</sup>

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. Joint Movants recognize that their motion is untimely, however, as described further below, have good cause and will abide by the current procedural schedule, as required by the Commission's Order setting the procedural schedule.<sup>3</sup>

5. Joint Movants constitute four separate organizations with independent leadership and decision making processes, and representing thousands of members. They have been monitoring this case since being notified as intervenors in Company's prior rate case on July 29, 2025.

6. A decision on whether to intervene was evaluated independently by each organization, and final authorization was pending the anticipated procedural schedule in this matter.

7. Joint Movants have regular weekly meetings to discuss this and other matters on which they are jointly represented on Thursday mornings, and anticipated having at least one meeting after a procedural schedule was issued to discuss and provide final authorization to intervene. However, the procedural schedule in this matter was issued last Thursday afternoon, September 11, setting a schedule that required

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

<sup>3</sup> Order at 7 (Sept. 11, 2025).

timely intervention requests by the following Wednesday, September 17.<sup>4</sup> Joint Movants are evaluating and will implement a process to ensure that decisions that need to be made expediently in between weekly meetings can be made timely in order to avoid future situations such as this.

8. In the interim since the Order setting a procedural schedule in this matter, counsel for Joint Movants also had multiple other deadlines, including in two separate matters involving representation of subsets of the Joint Movants in this case,<sup>5</sup> and did not notify clients that a final decision was needed with sufficient time to receive final authorization from each prior to the deadline to request intervention.

9. This motion is being made two days past the deadline for timely requests for intervention, and ten days prior to the deadline for initial requests for information. As stated above, Joint Movants will otherwise adhere to the procedural schedule set for this case, and anticipate no issues doing so. Therefore, there will be no prejudice to any party to this case. Furthermore, as made clear below, Joint Movants have a special interest in the case that is not otherwise adequately represented **and** 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.

10. Joint Movants have notified counsel for the Company of the anticipated untimely motion the day after the deadline.

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

<sup>5</sup> Third requests for information to LG&E and KU in Case nos. 2025-00113 and 2025-00114, and Response Brief in Case no. 2025-00045.

### **Joint Movants**

11. 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.

12. 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.

13. 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.

14. 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.”

15. 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.

16. 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 eastern Kentucky chapters in the Big Sandy region, Rowan County, and Kentucky River region, many of whose members are Kentucky Power ratepayers— with 12,000 members in nearly all of Kentucky’s 120 counties, including over 610 members who take service in the Kentucky Power service territory. KFTC also pays electric rates to Kentucky Power at its Prestonsburg office, located at 152 North Lake Drive, Prestonsburg, KY 41653. KFTC can be reached at [info@kftc.org](mailto:info@kftc.org).

17. 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, KFTC is uniquely positioned

to be a voice for the needs and interests of KPCo residential ratepayers, particularly low-income ratepayers, who are also KFTC members.

18. Kentucky Solar Energy Society (“KYES”) is a non-profit corporation in good standing, incorporated in the Commonwealth of Kentucky, with its principal office at 1864 Frankfort Avenue, Louisville, KY 40206. 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 KPCo 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.

19. In addition, KYES Board Chair Andrew McDonald has significant experience in the solar industry, and has provided expert testimony on the matters at issue and related matters several times.<sup>6</sup>

20. KYES clearly has a vested interest in and ability to present issues or to develop facts that assist the Commission in fully considering the matter.

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<sup>6</sup> See, e.g., Case no. 2020-00174, *Electronic Application of Kentucky Power Company for (1) a General Adjustment of Its Rates for Electric Service; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) Approval of a Certificate of Public Convenience and Necessity; And (5) All Other Required Approvals and Relief*, Direct Testimony of Andrew McDonald on behalf of Joint Intervenors (Oct. 07, 2020) (“2020 Rate Case”); Case No. 2022-00402, *Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates and Approval of a Demand Side Management Plan and Approval of Fossil Fuel-Fired Generating Unit Retirements*, Tendered Corrected Testimony of Andrew McDonald On Behalf of Joint Intervenors Metropolitan Housing Coalition, Kentuckians for the Commonwealth, Kentucky Solar Energy Society and Mountain Association (Jul. 24, 2023).

21. 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.

22. 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. Mountain Association's energy programs work to strengthen the region's residents, small businesses, local governments, communities, and nonprofits 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 small commercial KPCo 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 many commercial KPCo customers make nearly energy upgrades, as well as identifying numerous costly billing errors. At the same time, Mountain Association has assisted energy contractors with technical trainings and equipment financing to grow their businesses.

23. 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.<sup>7</sup>

24. Mountain Association focuses a key part of its programs and research on assisting small commercial ratepayers in Eastern Kentucky, who are often not

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<sup>7</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-a-nnual-environmental-awards-of-excellence/>.



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. Mountain Association and staff also possess significant experience in assisting small commercial and governmental entities with installation of distributed energy resources, and understanding net metering tariffs, and has previously offered related expert testimony based in part on that expertise.<sup>8</sup>

### **Application of Standard**

25. 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.”

26. The special interests of Joint Movants in the pending application 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, Kentucky Solar Energy Society, 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

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<sup>8</sup> See, e.g., 2020 Rate Case, Direct Testimony of Joshua Bills, Commercial Energy Specialist, Mountain Association (Oct. 07, 2020).

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. 2024-00115, the Company's application for its first demand-side management programs in several years. Combinations of these Joint Movants and other public interest non-profits have participated as Joint Intervenors in Commission proceedings involving these and other utilities and have neither complicated nor disrupted those proceedings.

27. 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.

28. 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."<sup>9</sup>

29. 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. The Attorney General's mandate under KRS 367.150(8) does not allow him to advocate for any subset of consumers. Joint Movants have particular interest and expertise in representing the interests of residential, in particular low-income, ratepayers, as well as small commercial ratepayers. Joint Movants also have special interests, and expertise in, developing issues around energy efficiency and minimization of energy use (and the

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<sup>9</sup> 807 KAR 5:001 §4(11)(a)1.

impact on rates, or vice versa the impact of rates on efficiency); and the roles of different technologies in the ongoing energy transition.

30. Joint Movants intend to present issues and develop facts that will assist the Commission in fully considering the matter regarding, among other issues, the role of continued reliance on the Mitchell Plant on rates,<sup>10</sup> the role of energy assistance programs,<sup>11</sup> the impact of declining block rates proposed “declining block energy charge,”<sup>12</sup> and more generally the impact of changing rates on residential ratepayers (particularly low-income ratepayers) and small commercial ratepayers.

31. Movant ACLC has a particularized interest and expertise in utility unaffordability throughout Eastern Kentucky, and ongoing and legacy impacts of the coal industry and the economic impacts of its decline. The clients ACLC serves are primarily low income residents of Eastern Kentucky. Since 2018, ACLC has led a number of initiatives to better understand the growing problem of water unaffordability and to advocate for measures to address the issue. That work has grown into a broader focus on utility unaffordability generally. ACLC is currently engaged in research and analysis on issues related to utility disconnections for nonpayment in Kentucky and policies and practices that alleviate or exacerbate the threat of disconnections for residential customers across the state.

32. Movant KFTC has a particularized interest and expertise in the impacts of rates charged by KPCo, including effects on low-income ratepayer-members in throughout Eastern Kentucky, and across the state. KFTC’s members include ratepayers that bear the costs and risks of utility rate-making, and have a direct interest

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<sup>10</sup> Application at 11(f) & (j) (Aug. 29, 2025).

<sup>11</sup> *Id.* at ¶¶ 11(j) & 17(h).

<sup>12</sup> *Id.* at 17(d).

in supporting reasoned decision-making by a well-informed regulator by putting forward expertise on rate-making and effects on low-income Kentuckians and Kentuckians of color, including from members who participate regularly in the organization's New Energy and Transition (NET) Committee.

33. Movant KYSES has a particularized interest and expertise in implementation of solar energy, renewables, and DSM, including rate-making as well as “cost-effective energy efficiency resources,” “smart grid investments,” and 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 the effects of net metering tariffs on current and prospective solar customers, as well as the relation to other avoided supply-side alternatives.

34. Movant Mountain Association has a particularized interest and expertise in the effects of rate-making on communities, low-income individuals, and small businesses in Eastern Kentucky. These issues are directly relevant to the various of the requested rate changes and the overall rate-making process. Mountain Association staff have direct experience collaborating with KPCo customers to help them to understand, reduce, and afford energy bills, and develop more resilient and reliable energy resources, including behind-the-meter alternatives impacted by tariffs at issue. That interest and experience includes economic development needs and trends in central Kentucky and statewide, another matter particularly at issue in this proceeding.

35. In Case No. 2024-00115, the Company’s application for its first demand-side management programs in several years, the Commission agreed that

ACLC, KFTC, KYSES, and Mountain Association's participation was "likely to present issues or develop facts that will assist the Commission in considering this matter without undue complication the proceedings...."<sup>13</sup> Similarly, in Cases Nos. 2023-00159 involving KPCo, KFTC and Mountain Association 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, 2024-00326, and 2025-00045, 2025-00113, and 2025-00114, 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 Appalachian Citizens' Law Center, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, 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]

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<sup>13</sup> 2024 DSM Case, Order at 3.

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 September 19, 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.



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Byron L. Gary