

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

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR (1) APPROVAL OF)	
CONTINUATION OF ITS DEMAND-SIDE)	
MANAGEMENT PROGRAMS; (2) AUTHORITY TO)	
RECOVER COSTS AND NET LOST REVENUES,)	
AND TO RECEIVE INCENTIVES ASSOCIATED)	CASE NO. 2025-00365
WITH THE IMPLEMENTATION OF ITS)	
DEMAND-SIDE MANAGEMENT PROGRAMS; (3))	
ACCEPTANCE OF ITS ANNUAL DSM STATUS)	
REPORT; AND (4) ALL OTHER REQUIRED)	
APPROVAL AND RELIEF)	

**JOINT MOTION OF APPALACHIAN CITIZENS' LAW CENTER AND
MOUNTAIN ASSOCIATION FOR FULL INTERVENTION AS JOINT
INTERVENORS**

Come now Appalachian Citizens' Law Center and Mountain Association (collectively "Joint Movants"), by and through counsel, and move for leave to participate as full Joint Intervenors in Kentucky Power Company's *Electronic Application for (1) Approval of Continuation of Its Demand-Side Management Programs; (2) Authority to Recover Costs and Net Lost Revenues, and to Receive Incentives Associated With the Implementation of Its Demand-Side Management Programs; (3) Acceptance of Its Annual DSM Status Report; and (4) All Other Required Approval and Relief*. In support of this Joint Motion, Joint Movants state as follows:

Introduction

1. Each of the Joint Movants has a distinct interest in this proceeding, expertise relating to the matters at issue, and a history of assisting in developing facts before the Public Service Commission (“the Commission” or “PSC”).

2. Joint Movants’ interests in this proceeding are distinct and different than those of the existing parties, 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.¹ 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 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

¹ 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”).

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.²

4. Under 807 KAR 5:001, Section 4(11)(b) the Commission shall grant a movant 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

5. **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.

6. 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.

7. 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

² 807 KAR 5:001 §4(11)(a)(1).

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.

8. ACLC was granted intervention, and fully participated in, the Company's last DSM case, Case No. 2024-00115, along with Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, and Kentucky Solar Energy Society. As a result, ACLC and each of the Joint Movants here, offers unique familiarity and expertise related to the development and implementation of the Company's 2025-2027 DSM Plan.

9. Specific to the Company's DSM Plan, ACLC has a special interest in protecting against surcharge rate volatility or other missteps in the delivery of demand-side management services to customers.

10. **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.

11. 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 for 18 years providing financing to access investments in energy efficiency and renewable energy, resulting in reduced

operating expenses. In that time, they have helped hundreds of commercial KPCo customers identify and implement efficiency and distributed energy upgrades, as well as identifying other cost savings opportunities through electric billing review and evaluations. At the same time, Mountain Association has assisted energy contractors with technical trainings and equipment financing to grow their businesses.

12. 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.³

13. 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. 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.⁴

³ 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/>.

⁴ See, e.g., 2020 Rate Case, Direct Testimony of Joshua Bills, Commercial Energy Specialist, Mountain Association (Oct. 07, 2020).

14. Mountain Association has also collaborated with the Company on DSM programs. Employees of Mountain Association have communicated regularly with staff from the Company during the first year rollout of its new DSM programs, providing feedback and suggestions for improving uptake of the new programs. Mountain Association continues to provide feedback to both the Company and its program implementation contractor, TRC, on a regular basis, including how to coordinate potential program participants and “approved” contractors under the Programs. Mountain Association also provides referrals for potential participants to contractors providing services covered by the Programs that are the subject of this filing.

Application of Standard

15. 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.”

16. 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.

17. 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.”⁵

⁵ 807 KAR 5:001 §4(11)(a)1.

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

19. 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,⁶ the role of energy assistance programs,⁷ the impact of declining block rates proposed “declining block energy charge,”⁸ and more generally the impact of changing rates on residential ratepayers (particularly low-income ratepayers) and small commercial ratepayers.

20. 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.

⁶ Application at ¶¶ 11(f) & (j) (Aug. 29, 2025).

⁷ *Id.* at ¶¶ 11(i) & 17(h).

⁸ *Id.* at ¶ 17(d).

21. Movant Mountain Association has a particularized interest and expertise in the effects of rate-making and demand-side solutions on communities, low-income individuals, and small businesses in Eastern Kentucky. These issues are directly relevant to the requested rate changes as well as implementation of the demand-side programs. 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.

22. Since the Company opened its recently approved DSM programs for residential and commercial customers, Mountain Association staff have been working directly with certain Kentucky Power Company customers attempting to obtain an energy audit or rebate through the new programs. Mountain Association has both a special interest in making sure the DSM Plan is successfully implemented, and also a special ability to develop facts about DSM program implementation from the customer, or participant, perspective.

23. In Case No. 2024-00115, the Company's application for its first demand-side management programs in several years, the Commission agreed that ACLC 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...."⁹

⁹ 2024 DSM Case, Order at 3. Similarly, in Cases Nos. 2023-00159 and 2025-00257 involving KPCo, ACLC 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 undue

24. The participation of ACLC and Mountain Association as Joint Intervenors will neither complicate or disrupt the proceedings. Discovery, testimony, and witnesses will be jointly offered by the organizations, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice. 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.

WHEREFORE, for the reasons stated above, Joint Movants Appalachian Citizens' Law Center and Mountain Association respectfully request to be accorded the status of full Joint Intervenors, 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]

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.

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 January 7, 2026; 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