

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| ELECTRONIC TARIFF FILING OF BIG RIVERS |) | |
| ELECTRIC CORPORATION OF A RETAIL |) | CASE NO. |
| ELECTRIC SERVICE AGREEMENT WITH |) | 2026-00115 |
| JUSTIFIED DATAPOWER LLC, A SUBSIDIARY |) | |
| OF TERA WULF INC. |) | |

MOTION TO INTERVENE BY KENERGY CORP.

Comes now, Kenergy Corp. (“Kenergy”), by and through the undersigned counsel, and respectfully moves the Commission to grant it intervention. In support thereof, Kenergy states as follows:

Background

On April 14, 2026, Big Rivers Electric Corporation (“Big Rivers”) filed with the Commission a proposed Retail Electric Service Agreement (“Agreement”) between Big Rivers, Kenergy, and Justified DataPower LLC, a subsidiary of TeraWulf (“TeraWulf”), for service to TeraWulf’s proposed data center campus to be located at the former Century Aluminum smelter site in Hancock County, Kentucky. At the same time, Big Rivers filed a Request for Confidential Treatment wherein both Big Rivers and Kenergy requested the Commission grant confidential treatment to certain negotiated terms in the Agreement.

Intervention Standard

The standard for “permissive” intervention is well-established. Commission regulation 807 KAR 5:001, Section 4(11)(b) permits intervention when either the movant has a special interest in the proceeding that is not otherwise adequately represented in the case, or the 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. Kenergy respectfully submits that it has a special interest in the proceeding and can present issues that will assist the Commission in fully considering the Agreement.

Kenergy's Interest

In this case, Kenergy is a party to the Agreement and directly participated in the contract negotiations. The terms of the Agreement directly impact Kenergy. As a full party in this proceeding, Kenergy can assist the Commission is fully considering how the terms of the Agreement will affect Kenergy and its membership, both operationally and financially. Kenergy can give insight into the reasoning behind certain portions of the Agreement, particularly those portions that pertain to issues facing distribution cooperatives within the context of data center developments.

Should the Commission issue orders or rulings pertaining the Agreement terms relating to operations, demand, consumption, or charges, those rulings will directly impact Kenergy as the location's retail service provider and as a party to the Agreement. However, in the lead up to any such rulings, if Kenergy is not a party to the proceeding, Kenergy would be left to participate merely as a public commenter to a review of its own contract.

Additionally, from a procedural standpoint, it was Kenergy's expectation that Big Rivers' filings and appearance pertaining to the Agreement would be done jointly for Big Rivers and Kenergy. This can be seen, for example, in the Request for Confidential Treatment filed herein by Big Rivers, which requests relief for both Big Rivers and Kenergy. As such, through the joint filing by Big Rivers, Kenergy has already formally sought relief from the Commission regarding the Agreement. When the Commission rules on that request, that ruling will be directly applicable to

Kenergy as the party who submitted the request. Procedurally, it is most natural for Kenergy to be a party herein as the Commission considers Kenergy's Request for Confidential Treatment.

Note, this arrangement between Kenergy and Big Rivers is in line with past arrangements on similar matters. Kenergy and Big Rivers have appeared jointly before the Commission on matters pertaining to contracts to which both organizations are a party. For example, as recently as February 2026, Big Rivers jointly filed for Big Rivers and Kenergy a Load Modifying Resource Agreement between Big Rivers, Kenergy, and Pratt Paper, LLC. *See*, Case No. 2026-00056. Other cases of Kenergy and Big Rivers appearing jointly before the Commission on similar matters include Case No. 2023-00045 (initial filing of special contract between Kenergy, Big Rivers, and Pratt Paper, LLC) and Case No. 2023-00312 (review of Big Rivers' and Kenergy's large industrial standby service tariffs). In each of those matters, and others, Kenergy and Big Rivers have appeared jointly, with Big Rivers filing pleadings on behalf of both organizations and with Kenergy and Big Rivers both receiving official notices of filings by the Commission and other parties. Kenergy had intended, and now hereby proposes, that the Commission permit Kenergy to participate in this proceeding on those same terms.

Should the Commission grant Kenergy's request herein, attorneys authorized to represent Kenergy and accept service of all documents would be the following:

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Kenergy has no interest in delaying or impeding this proceeding. However, simply to protect its interests relative to the Agreement, Kenergy respectfully submits it is appropriate for the Commission to grant Kenergy party status and allow Kenergy to fully participate in this proceeding jointly with Big Rivers.

Wherefore, in light of the foregoing, Kenergy respectfully requests the Commission grant Kenergy full party status herein to participate jointly with Big Rivers.

Respectfully Submitted,

/s/ Nicholas D. Kafer
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Certification

In accordance with 807 KAR 5:001, Section 8, I certify that this document was submitted electronically to the Public Service Commission this 20th day of May, 2026; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

/s/ Nicholas D. Kafer
Counsel for Kenergy Corp.