

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

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE	)	
AFFORDABILITY OF ELECTRIC AND	)	
NATURAL GAS UTILITY SERVICE AND	)	CASE NO. 2026-00185
RELATED MATTERS	)	

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

Come now Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Mountain Association, Appalachian Citizens' Law Center, and Metropolitan Housing Coalition (collectively "Joint Movants"), by and through counsel, and move for leave to participate as full Joint Intervenors in the above-captioned proceeding. 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 this Commission-initiated investigation into the affordability of electric and natural gas utility service 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." Indeed, several of the Joint Movants joined other organizations in

requesting that the Commission open this very investigation, in a letter dated June 28, 2026, that the Commission attached as an Appendix to the Order opening this proceeding¹. As discussed in detail below, Joint Movants have also participated as Joint Intervenors in numerous other cases before this Commission, including five cases dealing with costs and affordability last year.² As shown through their prior participation, Joint Movants bring value to the discussions and deliberations of the Commission and are able to provide expert testimony 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 will assist the commission in

¹ Order, Case No. 2026-00185, Electronic Investigation into the Affordability of Electric and Natural Gas Utility Service and Related Matters (Ky. PSC Aug. 26, 2026) & Appendix.

² 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*; Case No. 2025-00257, *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 Certain Regulatory and Accounting Treatments; and (4) All Other Required Approvals and Relief*; Case No. 2025-00365, *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 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*.

fully considering the matter without unduly complicating or disrupting the proceedings.³

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

5. 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. KFTC members reside in and pay electric and/or natural gas rates to numerous of the jurisdictional utilities made parties to this proceeding, across the Commonwealth. KFTC member Catherine Clement has an interest in the substance of the proceeding and takes service as a residential customer from Kentucky Utilities, a jurisdictional electric utility that made a party to this proceeding by the Commission.⁴ KFTC is intervening to represent the interests of Ms. Clement and of all members.

6. KFTC is a forty-five-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

³ 807 KAR 5:001 §4(11)(a)(1).

⁴ Order at 11, ¶ 2 (Aug. 26, 2026).

honest democracy. KFTC has twelve chapters across the state, many of whose members are ratepayers of the jurisdictional electric and natural gas utilities made parties to this proceeding. Altogether KFTC has more than 12,000 members in nearly all of Kentucky's 120 counties.

7. 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 within communities across the Commonwealth, KFTC is uniquely positioned to be a voice for the needs and interests of the residential ratepayers of the utilities made parties to this proceeding, particularly low-income ratepayers, who are also KFTC members.

8. KFTC's internal Chapter Working Groups include an energy justice working group that has a focus on ensuring a just energy transition that takes into account the needs of both low-income ratepayers, as well as the effects of the siting and operations of energy producing facilities. KFTC members who are ratepayers across the state additionally have a vested interest in the outcome of the case.

9. Kentucky Solar Energy Society ("KYES") is a non-profit corporation in good standing, incorporated in the Commonwealth of Kentucky, with its principal office at 1450 Hunter Dr., Lancaster, Ky, 40444, where service is provided by Inter-County Energy Cooperative, a jurisdictional electric utility made a party to this proceeding by

the Commission, and an owner-member of East Kentucky Power, a jurisdictional electric utility also made party to this proceeding. The mission of KYSES is to promote the use of renewable energy resources, energy efficiency, and conservation in Kentucky through education, advocacy, networking, and demonstration of practical applications. KYSES is comprised of members who include residential solar energy customers taking service from the jurisdictional electric utilities made parties to this proceeding; 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. KYSES Board Chair and member Andrew McDonald is a customer who takes service from Kentucky Utilities as a residential and net metering customer, and has an interest in the substance of the proceeding. KYSES is intervening to represent the interests of that person and of Mr. McDonald and all members.

10. KYSES has a direct interest in this investigation, which the Commission has charged with examining the potential effects of renewable energy resources, including solar and wind, and related technologies such as energy storage on long-term affordability, including whether pilot programs or incentives involving customer-sited renewable generation, storage, or time-varying rates could lower customer bills, reduce peak demand, and provide broader system benefits⁵, as well as whether all resource options, including efficiency, renewables, and distributed generation, are fairly and fully evaluated and modeled to assure selection of all-in, least-cost options for ratepayers.

⁵ Order at 9 (Ky. PSC Aug. 26, 2026).

11. KYSES has participated in many cases, often offering expert testimony in the area related to the matter. In addition, KYSES 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.⁶

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

13. Mountain Association is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with a primary office at 433 Chestnut Street, Berea, Kentucky, 40403, and an office at 268 E Friend St, Suite 101, Prestonsburg, KY 41653 served by Kentucky Power Company.

14. 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 businesses, residential customers, and local governments across Eastern Kentucky and Central Appalachia over fifteen (15) years providing financing to access investments in energy efficiency and renewable energy, resulting in reduced operating expenses. At the same time, Mountain Association has assisted energy contractors with technical trainings and equipment financing to grow their businesses.

⁶ Direct Testimony of Andy McDonald, Case No. 2020-00174 (Oct. 07, 2020), Corrected Direct Testimony of Andy McDonald, Case No. 2022-00402 (Jul. 24, 2023), Direct Testimony of Andy McDonald, Case No. 2023-00159 (Oct. 02, 2023), and Direct Testimony of Andy McDonald, Case No. 2023-00404 (Feb. 29, 2024).

15. 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.⁷

16. 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.⁸

17. 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.

18. 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

⁷ KYDEP, "Gov. Andy Beshear and Secretary Rebecca Goodman Announce Annual Environmental Awards of Excellence," Naturally Connected (Dec. 4, 2020).

⁸ Corrected Direct Testimony of Joshua Bills, Case No. 2020-00174 (Oct. 07, 2020); Direct Testimony of Joshua Bills, Case No. 2023-00159 (Ky. PSC) (.

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 Martin County Concerned Citizens before the PSC.

19. 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.

20. 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."

21. Metropolitan Housing Coalition ("MHC") is a nonprofit, nonpartisan membership organization incorporated under the laws of the Commonwealth of Kentucky in 1989, with an office in Metro Louisville taking service from Louisville Gas and Electric Company, and comprising approximately 300 individual and organizational

members. MHC members include representatives of low-income households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, and other advocacy groups, advocating with a united voice for fair, safe, and affordable housing in the Metro Louisville area. MHC member Cathy Hinko has an interest in the substance of the proceeding and takes service as a residential customer from Louisville Gas & Electric Company, a jurisdictional electric utility that made a party to this proceeding by the Commission.⁹ MHC is intervening to represent the interests of Ms. Hinko and of all members.

22. For almost three decades, MHC has utilized the public and private resources of the Metro Louisville community to provide equitable, accessible housing choices for all persons through advocacy, public education, and through support for affordable housing providers.

23. As part of its mission, MHC has focused on electric and gas utility costs as an integral component of fair and affordable housing for many years. Utility costs are a significant component of affordable shelter and on these issues, MHC has done research, effectively advocated for policy changes, represented non-profit affordable housing developers, and worked with local and statewide organizations.

24. MHC was an original board member of the Affordable Energy Corporation. MHC brings a perspective on the impact of decisions regarding capital investment and demand side strategies regarding utility service and the particular and disproportionate impacts that utility costs have on access to affordable housing for fixed- and low-income individuals and families.

⁹ Order at 11, ¶ 2 (Aug. 26, 2026).

25. MHC maintains a loan pool for non-profit developers to create affordable housing, whether rental or owner-occupied, new or rehabilitated. MHC mandates energy efficiency measures and encourages renewable energy provision as a method of better controlling electricity costs. In 2025 MHC published *Affordability Beyond the Rent: Utility Burdens and the True Cost of Housing in Louisville, KY*;¹⁰ and this year published *Protecting Communities in the Age of Data Centers: Understanding the Consequences for Louisville's Housing and Utility Landscape*.¹¹

Application of Standard

26. 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."

27. The special interests of Joint Movants in this investigation into the affordability of electric and natural gas utility service 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 Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Mountain Association, Appalachian Citizens' Law Center, and Metropolitan Housing Coalition as Joint Intervenors will neither complicate or disrupt the proceedings, since the discovery, testimony, and comments will be jointly offered by the five organizations, who have

¹⁰ <https://metropolitanhousing.org/wp-content/uploads/2025/09/AffordabilityBeyondtheRent2025FinalReport-compressed.pdf>.

¹¹ <https://metropolitanhousing.org/wp-content/uploads/2026/08/Protecting-Communities-in-the-Age-of-Data-Centers-MHC-Report-2026.pdf>.

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. 2025-00365, and Joint Movants have participated as Joint Intervenors in Commission proceedings involving these and other utilities and have neither complicated nor disrupted those proceedings.

28. This motion for intervention is timely, since under the Order entered on August 26, 2026, by the Commission in this case, any utility, person, or entity seeking to participate as a party is required to file a motion to intervene no later than September 8, 2026.¹² This motion is filed in advance of that deadline. Joint Movants, if granted intervention, will accept and abide by the procedural schedule, including the filing of any comments, data requests, and responses to any data requests, so that there is no prejudice to any other party from the grant of full Joint Intervenor status to Joint Movants at this time.

29. 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."¹³

30. 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

¹² Order, Case No. 2026-00185, Electronic Investigation into the Affordability of Electric and Natural Gas Utility Service and Related Matters, at 11-12 (Ky. PSC Aug. 26, 2026).

¹³ 807 KAR 5:001 §4(11)(a)1.

any subset of consumers, and thus does not encompass the particularized interests of low-income ratepayers, solar customers, small commercial customers in Eastern Kentucky, or affordable-housing residents that Joint Movants represent.

31. Movant KFTC has a particularized interest and expertise in the affordability of electric and natural gas utility rates and service generally, including the effects of rising rates on low-income ratepayer-members across the state. KFTC's members include ratepayers that bear the costs and risks of utility rate-making, and have a direct interest 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 and energy justice working groups.

32. Movant KYSES has a particularized interest and expertise in implementation of solar energy and renewables, including the effects of rate design on current and prospective net-metering customers across the state, as well as behind-the-meter alternatives to utility-scale generation. KYSES' expertise in renewable energy and energy conservation will advance the development of a complete record and well-informed decision-making on the Commission's inquiry into the potential effects of renewable resources, storage, and time-varying rates on long-term affordability, as well as the relation of these resources to other avoided-cost, supply-side alternatives.

33. Movant Mountain Association has a particularized interest and expertise in the effects of utility affordability on communities, low-income individuals, and small businesses in Eastern Kentucky. These issues are directly relevant to the Commission's

inquiry into affordability factors and potential measures. Mountain Association staff have direct experience collaborating with electric and natural gas utility customers to help them understand, reduce, and afford energy bills, and develop more resilient and reliable energy resources, including behind-the-meter alternatives. That interest and experience includes economic development needs and trends in Eastern Kentucky and statewide, another matter particularly at issue in this proceeding.

34. 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. ACLC's current research and advocacy on payment delinquencies, disconnections, and the availability and adequacy of customer assistance programs bear directly on several of the specific issues the Commission has identified for examination in this investigation, including strategies to reduce payment delinquencies and disconnections and the effectiveness of existing customer protection measures.

35. Movant MHC has a particularized interest and expertise in the effects of utility rate-making on communities and low-income individuals in Louisville. MHC is committed to intervening in PSC cases that impact ratepayers' electricity needs and rates. They advocate for low- and fixed-income households, ensuring that utilities consider the low-cost, high-benefit options for their ratepayers. MHC urges the PSC to prioritize affordability in every case and hold utilities accountable for being cost-effective, so ratepayers are not solely reliant on bill assistance programs. It is essential to include all relevant stakeholders in these discussions, especially those who represent the local community, and to ensure they have a voice in these proceedings. MHC seeks

permission to intervene in this investigation specifically to represent those stakeholder interests, particularly low-income ratepayers.

36. Movants intend to present issues and develop facts that will assist the Commission in fully considering the matter regarding, among other issues identified in the Commission's Order: fair cost allocation for new demand, including data center load; rate design and performance-based ratemaking; the effectiveness and accessibility of demand-side management and energy efficiency programs; disconnection policies, payment delinquencies, and customer assistance programs; the relationship between affordability and utility capital investment; and the potential effects of renewable energy resources, storage, and time-varying rates on long-term affordability¹⁴.

37. In Case No. 2025-00365, the Commission agreed that Joint Movants' participation was "likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings."¹⁵ Similarly, in Case Nos. 2025-00045, 2025-00113, 2025-00114, and 2025-00257, some or all Joint Movants 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.

WHEREFORE, for the reasons stated above, Joint Movants Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Mountain Association, Appalachian Citizens' Law Center, and Metropolitan Housing Coalition respectfully request to be accorded the status of full Joint Intervenors, and that each party to the case be directed

¹⁴Order, Case No. 2026-00185, at 8-10 (Ky. PSC Aug. 26, 2026) (listing issues 1, 6, 9, 11, 13, 15, 16); Letter from Appalachian Citizens Law Center et al. to PSC Chair Angie Hatton et al. (June 28, 2026) (Appendix to Order).

¹⁵ Order granting intervention, Case No. 2025-00365 (Ky. PSC).

to serve upon the undersigned counsel, all future pleadings and documents that are filed in this case.

Respectfully Submitted,



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

*Counsel for Movants for Joint Intervention
Kentuckians for the Commonwealth,
Kentucky Solar Energy Society, Mountain
Association, Appalachian Citizens' Law
Center, and Metropolitan Housing Coalition*

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 08, 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