

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
RELATED MATTERS**

)
)
) **Case No. 2026-00185**
)
)

SIERRA CLUB’S MOTION TO INTERVENE

Pursuant to K.R.S. § 278.310 and 807 K.A.R. 5:001, Section 4(11), and the Commission’s August 26, 2026 Order in this matter,¹ Sierra Club respectfully moves for full intervention in the above-captioned affordability docket proceeding. Sierra Club seeks full intervention to present issues and help develop facts that will assist the Commission without unduly complicating or disrupting proceedings.

The Commission established this docket, in part, to establish a forum for electric and gas utilities, consumer representatives, and other stakeholders, including “community organizations,” to come together to “identify and discuss concerns, existing programs and practices, and potential measures to improve the affordability of electric and natural gas utility service for residential ratepayers.”² In its Order initiating this docket, the Commission cited Sierra Club’s June 28, 2026 letter to the Commission requesting this type of utility affordability proceeding and included the letter as an Appendix to the Order.³ Sierra Club agrees that energy affordability

¹ *Electronic Investigation into the Affordability of Electric and Natural Gas Utility Service and Related Matters*, Case No. 2026-00185, Order at 12 (Aug. 26, 2026) (hereafter “Order”).

² *Id.* at 1.

³ *Id.* at 5, Appendix.

is a critically important issue, and intends to develop facts and provide information to the Commission that will help it to “better understand the factors affecting affordability across the Commonwealth and to evaluate existing and potential approaches for addressing those concerns.”⁴

Sierra Club is a grassroots organization that reaches every part of the Commonwealth. Sierra Club has members and supporters in every county in Kentucky, including customers of each electric and gas utility, and with dues-paying members in 116 of Kentucky’s 120 counties. Sierra Club has extensive experience evaluating the issues raised in the Commission’s Order, including the “nature and extent of electric and natural gas affordability concerns in Kentucky,” the “appropriate data and measures for evaluating affordability,” the “factors contributing to affordability challenges, including customer income, electricity and natural gas price and usage,” “rate design,” and “utility investment and operating costs,” among other factors.⁵ Sierra Club has regularly intervened successfully in matters before the Kentucky Public Service Commission, including in numerous proceedings that implicate ratepayer concerns around affordable electric service in the context of utility planning for generation and capacity resources.

As the Commission has previously recognized, it should grant Sierra Club’s motion to intervene because Sierra Club is “likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings.”⁶

⁴ *Id.* at 4.

⁵ *Id.* at 7-8.

⁶ *E.g., Electronic Application of Kentucky Power Company for Approval of (1) a Certificate of Public Convenience and Necessity to Make the Capital Investments Necessary to Continue Taking Capacity and Energy from the Mitchell Generating Station after December 31, 2028, (2) an Amended Environmental Compliance Plan, (3) Revised Environmental Surcharge Tariff Sheets, and (4) All Other Required Approvals and Relief*, Case No. 2025-00175, Order at 4 (Aug.

I. MOVANT

Sierra Club moves to intervene in this proceeding on behalf of itself and its members who live and purchase electric and gas utility services in Kentucky. Sierra Club is a national, non-profit environmental and conservation organization. Sierra Club has approximately 607,000 members across its sixty-four chapters, covering all fifty states, the District of Columbia, and Puerto Rico. More than 4,100 Kentuckians belong to Sierra Club's Kentucky Chapter.⁷

Sierra Club's Kentucky address is: Sierra Club, Kentucky Chapter, P.O. Box 1368, Lexington, KY 40588. Sierra Club's Kentucky Chapter has members and supporters from each of Kentucky's 120 counties that have attended meetings, signed comment letters, participated in nature outings, or joined other chapter activities. The Chapter has dues-paying members from 116 Kentucky counties.

Sierra Club seeks to participate in this proceeding to protect (1) its organizational interests and (2) the interests of Sierra Club members who are utility ratepayers and will be directly affected by the implementation of the affordability solutions identified by the Commission and other stakeholders through this docket.

Sierra Club and its members have economic and environmental interests in ensuring that utility investments throughout Kentucky do not unduly burden customers and provide for the least-cost means of meeting customer energy and reliability needs. Sierra Club and its members have economic and environmental interests in whether further clean energy alternatives would be

11, 2025); *In the Matter of: Electric Application of Kentucky Power Company for Approval of a Certificate of Public Convenience and Necessity for Environmental Project Construction at the Mitchell Generating Station, an Amended Environmental Compliance Plan, and Revised Environmental Surcharge Tariff Sheets*, Case No. 2021-00004, Order at 1 (Mar. 5, 2021).

⁷ Requiring member names infringes on Sierra Club members' rights of free association. However, if required by Commission order, Sierra Club will provide the names of one or more specific members.

more affordable or lower risk, while maintaining reliability, as compared to continued investment in coal-fired generation and related infrastructure. Sierra Club members have an economic interest in ensuring that future electricity rates truly represent the least-cost option and don't include expensive and unnecessary investments in coal-fired generation.

Sierra Club is interested in, and knowledgeable about, utility resource planning and capital spending, and their consequences for fair, just, and reasonable rates throughout the Commonwealth. Cases featuring economic assessments of renewable energy and alternatives to large investments in aging, coal-fired generating units are central to Sierra Club's interest and expertise in advocacy at public utility commissions throughout the country and in Kentucky. Sierra Club routinely provides testimony and argument on these questions, developing the record and assisting commissions in identifying pathways that are lawful, practicable, cost- and risk-minimizing, and otherwise a reasonable way of providing reliable service to ratepayers.

Sierra Club and its members also have environmental and health interests in transitioning away from polluting fossil fuel generation resources as soon as possible and ensuring that there are no unnecessary investments in aging fossil fuel generation sources. Continued burning of fossil fuels contributes to polluting the surrounding communities and to climate change, exacerbating the increased intensity and frequency of extreme weather events that damage power lines, cause coal- and gas-plant outages in Kentucky, increase public health costs, and cost Kentucky ratepayers money. These outcomes adversely impact the environment and public health, contrary to the interests of Sierra Club and its members.

Finally, Sierra Club and its members have procedural and organizational interests in exercising their rights to participate in this proceeding to advocate for accelerating the electric sector's transition from high-cost, harmful fossil fuel-based generation to cleaner energy sources.

Sierra Club seeks full intervention to ensure that utility programs and investment, operational, and resource decisions are reasonable, and that Sierra Club's members' interests—many of whom are ratepayers and will bear the costs of utilities' investment decisions—are fully represented.

II. THE COMMISSION SHOULD GRANT SIERRA CLUB'S MOTION BECAUSE SIERRA CLUB WILL PRESENT ISSUES AND DEVELOP FACTS THAT WILL ASSIST THE COMMISSION IN FULLY CONSIDERING THE MATTER WITHOUT UNDULY COMPLICATING OR DISRUPTING THE PROCEEDINGS.

The Commission should grant Sierra Club full intervention because it 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.”⁸ As noted above, this statewide docket will address issues that implicate Sierra Club's expertise—including, *inter alia*, ways to ensure electric and gas service decisions reflect the least-cost option for securing energy capacity, how those decisions impact the energy burden on Kentucky families and utility customers, and means to address the affordability crisis in all parts of the Commonwealth. Sierra Club plans on developing the record in this case through its lawyers, Chapter leaders, campaign organizers, and members and supporters throughout Kentucky.

Sierra Club's participation will aid the Commission by identifying utility customer concerns in all parts of Kentucky through its broad membership base; offering appropriate energy burden data points based on Sierra Club's own energy burden dashboard,⁹ including ways to identify important community characteristics such as geographic location, household size, income, utility rates, and energy efficiency opportunities; and offer solutions that will help

⁸ 807 K.A.R. 5:001, Section 4(11).

⁹ <https://www.sierraclub.org/issues/climate/renewable-energy/energy-burden>.

ensure that utility programs benefit communities and that utility rates that are “fair, just and reasonable.”¹⁰

First, the Sierra Club’s letter requesting the Commission open an affordability docket has already provided the Commission with a useful perspective on the scope of the proceeding and the issues to be addressed. The Commission’s Order notes Sierra Club’s letter requested a “broad process” engaging utilities, various customer classes, and communities, and identified specific issues that could be considered, including rate design, cost allocation, energy efficiency and demand side management, financing of efficiency measures, capital investments, and the allocation of costs and risks associated with new demand.¹¹ The Commission’s Order reflects both the broad scope proposed and many of the specific issues identified in Sierra Club’s letter. The Order agreed that there’s “value [in] a comprehensive examination of affordability,”¹² that the investigation should be “broad and inclusive,”¹³ and identified 16 specific topics to consider, incorporating many listed in Sierra Club’s letter, including rate design and cost allocation, the potential benefits of renewable energy resources on long-term affordability, the effectiveness of demand side management programs in lowering customer bills, and the relationship between customer rates and utility capital investments and operating costs, among others.¹⁴ Given the Commission cited Sierra Club’s letter, reiterated many of the issues identified, and took the uncommon step of including it as an Appendix to the Commission’s Order initiating this docket, the Commissioners clearly saw value in the letter, the concerns it raised, and the proposed path it

¹⁰ K.R.S. § 278.030(1).

¹¹ Order at 5.

¹² *Id.* at 6.

¹³ *Id.* at 7.

¹⁴ *Id.* at 7-10.

put forward for identifying and implementing solutions for Kentucky families and other ratepayers.

Second, Sierra Club will use its expertise in data collection, utility planning, and rising energy costs to identify Kentucky-specific energy burden data that will be helpful to the Commission and responds directly to issues the Commission has already identified for inclusion in this docket. In June 2026, Sierra Club released its Energy Burden Dashboard website,¹⁵ which allows the public to explore energy burden data nationwide, including at the state and census tract level in every U.S. state, including Kentucky. The dashboard can provide energy burden values for census tracts across all 50 states and Washington D.C., and allows users to generate community-level energy burden statistics that can be compared to statewide figures. This will help the Commission identify where energy burden is highest in the Commonwealth and identify potential solutions that will help those communities first. The dashboard also provides maps of key community indicators for race, health, economics, and housing. This information specifically relates to the Commission's intent to use this docket to address "the appropriate data and measures for evaluating affordability," (listed as no. 1 in the Commission's list of issues the investigation should consider), and the impact of various housing factors on affordability (no. 12). Sierra Club intends to use this new tool to help the Commission examine these factors and others as part of the docket's investigation into customer concerns, rising energy costs, and need for utilities to maintain safe, adequate, and reliable service at rates that are fair, just, and reasonable.¹⁶

¹⁵ <https://www.sierraclub.org/issues/climate/renewable-energy/energy-burden>.

¹⁶ Order at 7.

Third, Sierra Club has participated in broad energy affordability dockets at utility commissions throughout the country, and drawing on lessons learned in those dockets may help the Commission fulfill its stated goals of better understanding the factors that contribute to customers' affordability concerns and identifying solutions to help deliver affordable energy throughout Kentucky.¹⁷ Sierra Club agrees with the Commission's assessment that while individual dockets "routinely consider[] the effect of utility costs on customers in individual proceedings," a broader examination is warranted to evaluate the factors contributing to customer affordability concerns and to identify potential approaches to help address those concerns.¹⁸ As a national grassroots organization, Sierra Club has reviewed or participated in a number of affordability dockets across the country, including in Arkansas,¹⁹ Indiana,²⁰

¹⁷ *Id.* at 4.

¹⁸ *Id.*

¹⁹ Arkansas Public Service Commission, Case No. 26-042-U, *In the Matter of Considering Affordability Provisions for Arkansas Ratepayers*.

²⁰ See Indiana Utility Regulatory Commission, Case No. 26428, *In the Matter of the Indiana Utility Regulatory Commission's Investigation into the Changes in Risks to an Electricity Supplier as a Result of Implementing a Multi-Year Rate Plan*, and Indiana Utility Regulatory Commission, *Energy Affordability Report* (July 2026), https://www.in.gov/iurc/files/IURC-Energy-Affordability-Report_July-2026.pdf.

California,²¹ Maryland,²² Massachusetts,²³ Michigan,²⁴ and Missouri.²⁵ Sierra Club intends to use its experiences tracking those proceedings and participating before those public utility commissions to help identify topics for consideration and potential approaches to alleviate customer concerns in this docket.

As in several prior dockets,²⁶ Sierra Club's participation here will "assist the commission in fully considering" the issues, and do so without unduly complicating or disrupting the

²¹ California Public Utility Commission, Case No. CPUC 26-01-003, *Pacific Gas and Electric Company's (U39M) Application for Approval of 2028-2033 Income-Qualified Programs, Application of Southern California Edison Company (U 338-E) for Approval of its Energy Savings Assistance (ESA) and California Alternate Rates for Energy (CARE) Programs and Family Electric Rate Assistance (FERA) And Budgets for Program Years 2028-2033*.

²² Maryland Public Service Commission, Case No. 9665, *Electric System Planning for Maryland Electric Utilities*, <https://webpscxb.pscmaryland.com/DMS/case/9665>.

²³ Commonwealth of Massachusetts, Department of Public Utilities, Case No. DPU 25-200, *Investigation by the Department of Public Utilities on Its Own Motion into Gas and Electric Delivery Charges and Bill Redesign*, <https://eeaonline.eea.state.ma.us/dpu/fileroom/#/dockets/docket/12804>.

²⁴ Michigan Public Service Commission, Case No. U-20757, *In the matter, on the Commission's own motion, to review its response to the novel coronavirus (COVID-19) pandemic, including the statewide state of emergency, and to provide guidance and direction to energy and telecommunications providers and other stakeholders*, <https://mi-psc.my.site.com/s/case/500t000000UDcgYAAAT/in-the-matter-on-the-commissions-own-motion-to-review-its-response-to-the-novel-coronavirus-covid19-pandemic-including-the-statewide-state-of-emergency-and-to-provide-guidance-and-direction-to-energy-and-telecommunications-providers-and-other-inte>.

²⁵ Missouri Public Service Commission, Case No. OW-2026-0085, *In the Matter of a Working Case for Commission Review and Consideration of Utility Assistance Programs and Special Alternative Residential Customer Rates*, <https://efis.psc.mo.gov/Case/Display/101271>.

²⁶ E.g., *Electronic Application of Kentucky Power Company for 1) a Certificate of Public Convenience and Necessity to Construct a Mechanical Draft Cooling Tower at the Mitchell Plant 2) Approval of Certain Regulatory and Accounting Treatments, and 3) All Other Required Approvals and Relief*, Case No. 2026-0001, Order at 2 (Mar. 23, 2026); *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. 2025-00114, Order at 3-4 (July 2, 2025); *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, and Approval of Certain Regulatory and Accounting Treatments*, Case No. 2025-00113, Order at 3-4 (July 2, 2025); *Electronic Application of Kentucky Utilities Company and*

proceedings. 807 K.A.R. 5:001 § 4(11)(b). Sierra Club is represented by experienced counsel and will comply with all Commission rules and deadlines, and appropriately handle any confidential information, as it has in prior dockets.

III. CONCLUSION

Sierra Club respectfully requests that the Commission permit Sierra Club to fully intervene in these proceedings, as it has in other recent proceedings.

Dated: September 8, 2026.

Respectfully submitted,

/s/ Joe F. Childers

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CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of Sierra Club's Motion to Intervene in this action is being electronically transmitted to the Commission on September 8, 2026, and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/ Joe F. Childers
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