

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

In the Matter of:

ELECTRONIC 2026 INTEGRATED	)	CASE NO.
RESOURCE PLAN OF BIG RIVERS	)	2026-00268
ELECTRIC CORPORATION	)	

**JOINT MOTION OF KENTUCKIANS FOR THE COMMONWEALTH AND
KENTUCKY RESOURCES COUNCIL, INC. FOR FULL INTERVENTION
AS JOINT INTERVENORS**

Come now Kentuckians For The Commonwealth and Kentucky Resources Council, Inc. (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 integrated resource plan (“IRP”) proceeding are distinct and different than those of the existing parties, including Big Rivers Electric Corporation (“BREC”) and the Attorney General (“OAG”), 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 also participated as Joint Intervenors in numerous other cases before this Commission, including Big Rivers’ most recent previous IRP.¹ As shown through their prior participation, Joint Movants bring value to

¹ Case No. 2023-00310, *Electronic 2023 Integrated Resource Plan of Big Rivers Electric Corporation*.

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 Commission is within the sound discretion of the Commission and is governed by 807 Ky. Admin. Regs. 5:001, § 4(11), which provides in relevant part:²

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

4. 807 Ky. Admin. Regs. 5:001, § 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

²807 Ky. Admin. Regs. 5:001, § 4(11)(a)(1).

pay electric and/or natural gas rates to numerous of the jurisdictional utilities made parties to this proceeding, across the Commonwealth. KFTC member ## has an interest in the substance of the proceeding and takes service as a residential customer from Big Rivers Electric Corporation.³ KFTC is intervening to represent the interests of Ms. ## 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 honest democracy. KFTC has twelve chapters across the state, many of whose members are ratepayers of BREC. 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, demand-side management cases, resource cases (including IRPs and certificates of public convenience and necessity ("CPCNs")) 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 BREC, particularly low-income ratepayers, who are also KFTC members.

³ Order at 11, ¶ 2 (Aug. 26, 2026).

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. KRC is a non-profit membership corporation in good standing incorporated under the laws of the Commonwealth of Kentucky and dedicated to prudent use and conservation of the natural resources of the Commonwealth and providing since 1984 legal and technical assistance without charge to low-income individuals, organizations, and communities across the Commonwealth and in the Big Rivers service area on a range of environmental and energy-related matters. KRC members include numerous individuals who are ratepayers taking service from Big Rivers' member cooperatives, who have an interest in the substance of the proceeding and take service as residential customers from BREC.⁴

Application of Standard

10. 807 Ky. Admin. Regs. 5:001, § 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.”

11. The special interests of Joint Movants in this IRP proceeding 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

⁴ Order at 11, ¶ 2 (Aug. 26, 2026).

participation of Joint Movants as Joint Intervenors will neither complicate nor disrupt the proceedings, since the discovery, testimony, and comments will be jointly offered by the Movants, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case. Joint Movants have participated in numerous cases as Joint Intervenors and Council for Joint Intervenors and have neither complicated nor disrupted proceedings, including most recently the *Electronic Investigation into the Affordability of Electric and Natural Gas Utility Service and Related Matters*.⁵

12. This motion for intervention is timely, since the Commission has not yet set a procedural schedule. This motion is filed in advance of any possible 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.

13. 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."⁶

14. 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. The Attorney General's mandate

⁵ Case No. 2026-00185.

⁶ 807 Ky. Admin. Regs. 5:001, § 4(11)(a)(1).

under KRS 367.150(8) does not encompass the particularized interests of KFTC and KRC.

15. Movant KRC has a particularized interest and expertise in IRP resource planning issues, including data-center load service, the retirement and continued operation of coal-fired and gas-fired generation, the evaluation of new natural gas combined-cycle capacity, renewable energy deployment, and demand-side resource planning. KRC has developed and published a comprehensive analysis of Kentucky energy options in its Energy Report, available at www.kyrc.org/energy-report, which bears directly on the analysis Commission Staff and the Commission must perform in this case.

16. 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 resource planning on low-income ratepayer-members in BREC's member-owners' territory. KFTC's members include ratepayers that bear the costs and risks of utility planning, and have a direct interest in supporting reasoned decision-making by a well-informed regulator by putting forward expertise on resource planning 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.

17. Movants intend to present issues and develop facts that will assist the Commission in fully considering the matter regarding, among other issues, the following:

(a) BREC's executed agreement to serve a data-center load of approximately 450 MW, which, on information and belief, is the first such large-load contract approved for a

Kentucky utility, and the treatment of data-center load in BREC's forecasts and resource plan; (b) BREC's participation in planning for the U.S. Department of Energy data-center facility at Paducah, Kentucky, which is projected to require approximately 2 GW of capacity with on-site gas generation and battery energy storage; (c) the Plan's treatment of the Wilson coal-fired generating unit and the Green Station, which the 2026 IRP would keep in operation indefinitely, in contrast to the retirement and replacement contemplated in BREC's prior IRP; (d) BREC's earlier proposal to construct a new natural gas combined-cycle unit and sell approximately half of its output, and the abandonment of that proposal;⁷ (e) the feasibility and cost-effectiveness of additional renewable energy resources in BREC's portfolio;⁸ and (f) BREC's evaluation of demand side management,⁹ and specifically of demand-response pilot programs, which the 2026 IRP identifies as under consideration.¹⁰

16. In BREC's previous IRP the Commission agreed that Joint Movants' participation was "likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings...."¹¹

WHEREFORE, for the reasons stated above, Joint Movants Kentuckians For The Commonwealth and Kentucky Resources Council, Inc. respectfully request to be accorded the status of full Joint Intervenors, and that each party to the case be directed

⁷ See *Big Rivers Electric Corp., 2026 Integrated Resource Plan* at 43 (Sept. 29, 2026) ("2026 IRP").

⁸ *E.g.*, at 48 ("the portfolio...provides flexibility to add renewable resources when market conditions support them"); and Part 6.8.8, Renewable Resource Development Limits.

⁹ *Id.* at Part 4.

¹⁰ *Id.* at 43.

¹¹ *Electronic 2023 Integrated Resource Plan of Big Rivers Elec. Corp.*, Case No. 2023-00310 Order at 2 (Ky. P.S.C., Dec. 5, 2023).

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Byron L. Gary".

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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 October 27, 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.

A handwritten signature in blue ink, appearing to read "Byron L. Gary".

Byron L. Gary