

dockets before the Commission, including three recent IRP dockets,³ and Big Rivers 2023 IRP.⁴

The Commission should grant Sierra Club’s motion to intervene here, as it did in Big Rivers’ 2023 IRP, because Sierra Club “is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicat[ing] the proceedings.”⁵

Specifically, the Commission has previously found that Sierra Club is likely to present issues and develop facts addressing “utility practices, investments, and policies regarding energy efficiency and renewable energy, and resulting effects on costs, rates, pollution, and reliability.”⁶

I. MOVANT

Sierra Club moves to intervene in this proceeding on behalf of itself and its members who live and purchase utility services in Kentucky, many of whom are residential customers of Big Rivers’ member cooperatives. Sierra Club is a national, non-profit environmental and conservation organization. Sierra Club has more than 590,000 members across its sixty-four chapters, covering all fifty states, the District of Columbia, and Puerto Rico. More than 4,900

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*.

³ Case No. 2025-00087, *Electronic 2025 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.*; Case No. 2024-00197, *Electronic 2024 Integrated Resource Plan of Duke Energy, Inc.*; Case No. 2024-00326, *Electronic 2024 Joint Integrated Resource Plan of Louisville Gas & Electric Company and Kentucky Utilities Company*; Case No. 2021-000393, *Electronic 2021 Joint Integrated Resource Plan of Louisville Gas & Electric Company and Kentucky Utilities Company*; Case No. 2014-00131, *2024 Joint Integrated Resource Plan of Louisville Gas & Electric Company and Kentucky Utilities Company*.

⁴ Case No. 2023-00310, *Electronic 2023 Integrated Resource Plan of Big Rivers Electric Corporation*.

⁵ Case No. 2023-00310, *Electronic 2023 Integrated Resource Plan of Big Rivers Electric Corporation*, Order at 2 (Nov. 13, 2023).

⁶ *Id.*

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 seeks to participate in this proceeding in order to protect (1) its organizational interests and (2) the interests of Sierra Club members who (a) are customers of Big Rivers or its member cooperatives and/or (b) live, work, and recreate in and around Big Rivers' or its member cooperatives' power units, and who will be directly affected by Big Rivers' IRP.

Sierra Club and its members who are Big Rivers customers, customers of Big Rivers' member cooperatives, or otherwise directly impacted by Big Rivers' facilities have economic and environmental interests in ensuring that Big Rivers plans provide for the least-cost means of meeting customer energy and reliability needs while also avoiding unnecessary pollution. Sierra Club and its members have economic and environmental interests in whether further clean energy alternatives would be more affordable or lower risk, while maintaining reliability. Sierra Club members who are customers of Big Rivers or its member cooperatives have an economic interest in ensuring that future electricity rates truly represent the least-cost option, and an interest in the safety and reliability of the electric grid.

Sierra Club and its members also have environmental and health interests in transitioning away from polluting fossil fuel generation resources as soon as possible. Continued burning of fossil fuels contributes to polluting the surrounding communities and to climate change. These outcomes adversely impact the environment and public health, contrary to the interests of Sierra Club and its members.

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.

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, more affordable energy sources that save customers money, preserve reliability, and assist impacted communities and workers.

Big Rivers 2026 IRP presents its long-term plan to extend the D.B. Wilson coal-fired plant until an assumed retirement date of 2045, at which point the plant will be nearly 60 years old.⁸ Sierra Club seeks full intervention to ensure that its and its members' interests are fully represented in ensuring that Big Rivers' investment, operational, and resource decisions are reasonable. Specifically, Sierra Club will investigate, among other issues, whether Big Rivers' proposed portfolio is the least-cost option for customers, if the assumptions used in the IRP are reasonable – particularly those around unspecified and so-called “reliability projects” necessary for the continued operation at the aging, 417 MW coal-fired D.B. Wilson plant and the Green gas-fired plant.⁹ The cost assumptions around ongoing operation and maintenance costs are critically important to ensure ratepayers are not harmed by extending the life of aging coal-fired plants, and Sierra Club intends to scrutinize whether Big Rivers' IRP has fully evaluated the costs of its preferred plan and alternative generation options. Sierra Club will also evaluate whether Big Rivers could avoid costs by fully converting the existing D.B. Wilson coal units to gas and investing more in renewable energy, storage, demand side management, or efficiency measures and planning. Sierra Club may advance other positions as it conducts discovery in this proceeding.

⁸ See Big Rivers 2026 IRP at 19 (noting the plant went into commercial service in 1986).

⁹ Big Rivers 2026 IRP at 219-220.

II. THE COMMISSION SHOULD GRANT SIERRA CLUB’S MOTION.

Although only necessary to satisfy one, Sierra Club satisfies both of the two independently sufficient bases for timely intervention. First, Sierra Club will aid the Commission’s full consideration of the matters at hand—as it has done uniformly in the past. Second, Sierra Club has a special interest not otherwise adequately represented in this case. The Commission may grant intervention on either basis without opining on the other, and has done so on the former ground without reaching the latter.

A. Movants Will Assist the Commission’s Consideration Without Complication.

The Commission should grant Sierra Club 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.”¹⁰

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.

Big Rivers 2026 IRP presents its long-term plan to extend the D.B. Wilson coal-fired plant until an assumed retirement date of 2045, at which point the plant will be nearly 60 years

¹⁰ 807 K.A.R. 5:001, Section 4(11)(b).

old.¹¹ Sierra Club seeks full intervention to ensure that its and its members' interests are fully represented in ensuring that Big Rivers' investment, operational, and resource decisions are reasonable. Specifically, Sierra Club will investigate, among other issues, whether Big Rivers' proposed portfolio is the least-cost option for customers, if the assumptions used in the IRP are reasonable – particularly those around unspecified and so-called “reliability projects” necessary for the continued operation at the aging, 417 MW coal-fired D.B. Wilson plant and the Green gas-fired plant.¹² The cost assumptions around ongoing operation and maintenance costs are critically important to ensure ratepayers are not harmed by extending the life of aging coal-fired plants, and Sierra Club intends to scrutinize whether Big Rivers' IRP has fully evaluated the costs of its preferred plan and alternative generation options. Sierra Club will also evaluate whether Big Rivers could avoid costs by fully converting the existing D.B. Wilson coal units to gas and investing more in renewable energy, storage, demand side management, or efficiency measures and planning. Sierra Club may advance other positions as it conducts discovery in this proceeding.

In addition, this IRP is the first in which Big Rivers has had to address potential data center development in its service territory. Big Rivers' short-term plan, as set out in this 2026 IRP, includes “[m]onitor[ing] large-load development opportunities, data center growth, natural gas infrastructure constraints, and regulatory developments that could materially affect future resource needs.”¹³ Big Rivers also intends to submit a proposal for a new large load tariff in Q4 of 2026,¹⁴ given the recent surge in data center development interest in locating projects in Big

¹¹ See Big Rivers 2026 IRP at 19 (noting the plant went into commercial service in 1986).

¹² Big Rivers 2026 IRP at 219-220.

¹³ Big River 2026 IRP at 283.

¹⁴ Big Rivers 2026 IRP at 39.

Rivers' service territories. Since the start of 2025, Big Rivers has received 31 RFIs from data center developers, with one 482 MW data center project having signed an electric service agreement and an 1,800 MW data center project that has been publicly announced but not yet signed an electric service agreement.¹⁵

Sierra Club has extensive experience with data center developments nationally, having been involved in utility dockets assessing load growth and proposals for new generation to serve data centers in more than a dozen states. On October 28, 2026 Bloomberg reported on recent Sierra Club analysis examining the climate impacts of electric sector emissions from the ongoing rush to build new gas plants and related infrastructure to serve data center proposals.¹⁶ In Kentucky, Sierra Club has provided expert testimony on Louisville Gas & Electric Company's and Kentucky Utilities' large-load tariff,¹⁷ and addressed data center load growth in three recent dockets, including two IRP proceedings.¹⁸

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,

¹⁵ Big Rivers 2026 IRP at 37-39.

¹⁶ Eric Roston and Olivia Raimonde, "New US Data Centers Projected to Emit More Carbon Than All of Mexico," Bloomberg (Oct. 28, 2026).

¹⁷ 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*, Direct Testimony of Jeremy Fisher (June 16, 2025).

¹⁸ Case No. 2024-00326, *Electronic 2024 Joint Integrated Resource Plan of Louisville Gas & Electric Company and Kentucky Utilities Company*; Case No. 2025-00087, *Electronic 2025 Integrated Resource Plan of East Kentucky Power Cooperative*; Case Nos. 2025-00113 and 2025-00114, *Electronic Application of Louisville Gas and Electric Company / Kentucky Utilities Company for an Adjustment of Its Electric and Gas Rates and Approval of Certain Regulatory and Accounting Treatments*, Direct Testimony of Jeremy Fisher (Aug. 29, 2025).

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. Sierra Club will help the Commission by evaluating the Big Rivers' plan to continue to invest ratepayer dollars into "reliability projects" at the D.B. Wilson coal-fired power plant, which the IRP describes as "a series of repairs and replacements designed to restore the unit's long-term reliability."¹⁹ These projects, which would entail work in 2027-2029 and whose total cost is marked as confidential, include "boiler and duct work repairs, coal yard improvements, replacement of piping, valves, pumps and motors, as well as electrical controls and drag chain replacement."²⁰ Sierra Club intends to scrutinize the IRP's evaluation of these repair projects, given the IRP's conclusion that the Wilson plant should remain operational until 2045, whereas other modelled alternatives would retire the plant as early as 2032.²¹

In order to ensure that utilities "furnish adequate, efficient and reasonable service" and charge "fair, just and reasonable rates,"²² Kentucky regulation requires "regular reporting and commission review of load forecasts and resource plans of the state's electric utilities to meet future demand with an adequate and reliable supply of electricity at the lowest possible cost for all customers within their service areas, and satisfy all related state and federal laws and regulations."²³ For that purpose, regulations require that electric utilities file an IRP every three years.

¹⁹ Big Rivers 2026 IRP at 221.

²⁰ *Id.* at 222.

²¹ *Id.*

²² K.R.S. § 278.030(1)-(2).

²³ 807 K.A.R. 5:058 (necessity, function, and conformity).

Regulations explicitly articulate the information that utilities must include in an IRP: historical and projected demand, resource information, financial data, and other operating performance and system information.²⁴ And regulations also specify how the IRP should utilize and analyze that information: it should “discuss the facts, assumptions, and conclusions, upon which the plan is based and the actions it proposes.”²⁵ In selecting a resource mix, the utility must not only demonstrate how that resource mix satisfies reliable and adequate supply at lowest possible cost, but also test key uncertainties, including alternative resource options that may be cost-effective.²⁶ The IRP should not merely lock in an assumption, but instead toggle between them, showing “how uncertainties in those assumptions and judgments were incorporated into analyses.”²⁷ The IRP is intentionally and obviously designed to ensure that Kentuckians have access to affordable and reliable electricity by proactively planning for the future and testing assumptions. Utilities must analyze *at a granular level* the economics, reliability, and environmental risk of existing generation and contrast it with other options, including replacement generation.

Sierra Club routinely intervenes in public utility commission proceedings nationwide and in Kentucky, as discussed above. In these interventions, Sierra Club advocates for utility practices, investments, and policies that promote the development of cost-effective energy efficiency and clean, renewable energy, which can reduce overall system costs, electricity rates, and pollution while also maintaining reliability. In this docket, Sierra Club and its experts will

²⁴ 807 K.A.R. 5:058, Section 1(2).

²⁵ *Id.*

²⁶ *Id.* Section 8(1).

²⁷ *Id.* Section 8(5)(b).

analyze and offer insight on Big Rivers' load forecast, demand side management assumptions, modeling, and electric generation resource decisions.

Particularly in light of that experience, Sierra Club respectfully submits that its participation will help develop a thorough record, stimulate a robust evaluation of the issues, and inform the Commission's ultimate decision about the reasonableness, adequacy, and prudence of Big Rivers' 2026 IRP. Through discovery, the filing of comments, examination of witnesses, and legal briefing, Sierra Club will help to illuminate the economic and environmental risks associated with continued reliance on fossil fuel-fired generation, as well as the potential benefits of meeting energy and capacity needs with additional affordable, renewable energy generation or storage capacity. Sierra Club has knowledge of and experience with these kinds of questions, having previously studied, argued, and helped resolve them before the Commissions in Kentucky and other states. Sierra Club has particular expertise with analysis of how utilities should evaluate compliance costs and environmental compliance options, and will aid the Commission by helping to identify, clarify, and apply key principles that bear on whether Big Rivers' proposals "furnish adequate, efficient and reasonable service" and otherwise comport with all applicable laws and regulations.²⁸

Moreover, Sierra Club's participation will not unduly complicate or disrupt the proceeding, and will not be unduly duplicative of that of any other party to this case. Sierra Club will comply with all Commission rules and deadlines, as it has in the past. The Commission's deadline for motions to intervene in this matter is October 30, 2026 and the deadline for initial requests for information is November 13, 2026. In sum, Sierra Club's participation here will

²⁸ K.R.S. § 278.030(2).

“assist the commission in fully considering” these important issues without any “undu[e] complicati[on].”²⁹

B. Movants Have Special Interests Not Otherwise Adequately Represented.

The Commission should also grant Sierra Club intervention for the independently sufficient reason that it “has a special interest in the case that is not otherwise adequately represented.”³⁰ No other party to this docket adequately represents the institutional and policy interests of Sierra Club and its members, including as it pertains to the environment and public health. Sierra Club’s members have a unique interest in avoiding continued investment in expensive fossil fuel energy resources and infrastructure, especially in light of current and impending environmental regulations and the rapid development of renewable energy and storage technology. Sierra Club and its members possess the economic, environmental, and public health interests described above.

Sierra Club is uniquely situated to represent its interests and the interests of its members in this proceeding as a result of its expertise and experience in energy policy and law, renewable energy generation, energy efficiency, and environmental regulations. Sierra Club’s interests are “special,”³¹ because they are quantitatively unique—Sierra Club and its members value their interests more deeply on average than the community at large—and qualitatively unique—Sierra Club publicly advocates for, invests in, and otherwise champions these interests in exceptional ways. These interests are implicated “in the case,”³² due to the proposed supply-side and demand-side management plans.

²⁹ 807 K.A.R. 5:001, Section 4(11)(b).

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

Finally, Sierra Club’s special interests in the case are “not otherwise adequately represented,”³³ because no other party has either the same expertise or the inclination to advocate in the same ways that Sierra Club will. The Attorney General, for instance, has neither the capacity nor the inclination to fully represent Sierra Club’s more focused interests in conservation and the like, because he must represent the values and prerogatives of ratepayers generally—a broad, mixed obligation that has at times caused his office to take positions at odds with Sierra Club. Sierra Club’s intervention is necessary to adequately represent its unique interests in this proceeding.

As the Commission recognized in granting Sierra Club intervention in EKPC’s 2025 IRP docket, Sierra Club’s interest were not adequately represented by other parties, and specifically that, “Sierra Club’s interest in environmental and public health issues associated with fossil fuel generation and the transition to cleaner energy resources is distinct from the general ratepayer and economic interests typically represented by the Attorney General.”³⁴

III. CONCLUSION

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

³³ *Id.*

³⁴ Case No. 2025-00087, *Electronic 2025 Integrated Resource Plan of East Kentucky Power, Inc.*, Order at 2-3 (May 20, 2025).

Dated: October 30, 2026

Respectfully submitted,

/s/ Joe F. Childers

Joe F. Childers

Joe F. Childers & Associates

201 West Short Street, Suite 300

Lexington, KY 40507

(859) 253-9824

joe@jchilderslaw.com

Of counsel

(not licensed in Kentucky)

Nathaniel T. Shoaff

Sierra Club

2101 Webster Street, Suite 1300

Oakland, CA 94612

(415) 977-5610

nathaniel.shoaff@sierraclub.org

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 October 30, 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

JOE F. CHILDERS