

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2021 JOINT INTEGRATED)	
RESOURCE PLAN OF LOUISVILLE GAS AND)	CASE NO.
ELECTRIC COMPANY AND KENTUCKY)	2021-00393
UTILITIES COMPANY)	

ORDER

On December 7, 2021, Metropolitan Housing Coalition (MHC), Kentuckians for the Commonwealth (KFTC), Kentucky Solar Energy Society (KYSES), and Mountain Association (MA) (collectively, Joint Intervenors) filed a timely joint motion to intervene in this case. Joint Intervenors argue that they each have a special interest in these proceedings not otherwise adequately represented and that they will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) made no objection to Joint Intervenors' motion.

BACKGROUND

MHC is an affordable housing advocacy group that also advocates for affordable utility rates. Joint Intervenors note that utility costs are a significant component of affordable shelter and that MHC has done research and advocated for policy changes regarding utility costs for affordable housing for a number of years. Joint Intervenors state that MHC brings a perspective on the impact of decisions regarding resource planning for electric service and the particular and disproportionate impacts that utility costs have on access to affordable housing for fixed and low-income customers, and note that MHC has

been an active member of the LG&E Customer Care Advisory Group and the LG&E/KU Energy Efficiency Advisory Group and that MHC has been on the Community Winter Help Board.

KFTC is a nonprofit “multi-issue grassroots organization of Kentuckians” with 14 chapters across Kentucky, including chapters and members in LG&E and KU’s service territory. Joint Intervenors state that KFTC has been involved with issues affecting low-income residential ratepayers for over 30 years and has significant experience 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 (DSM), and a healthy energy system.

KYSES is a nonprofit with a mission 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 in the LG&E and KU service territories; solar energy enthusiasts (including potential future solar customers); professionals working in the clean energy field in business, non-governmental organizations, and academia; and advocates for a transition to a clean energy economy. Joint Intervenors note that Andy McDonald, CEM, is a member and the former Vice Chairman of KYSES and that he has participated in a number of cases in which net metering is an issue.

MA is a nonprofit corporation that works with people in eastern Kentucky and Central Appalachia. It has energy programs intended to help reduce energy costs and consumption, increase energy security, and build resilience in the face of climate change.

Joint Intervenors indicate that MA has worked with KU customers over the last thirteen years providing financing to access investments in energy efficiency and renewable energy, resulting in reduced operating expenses. Joint Intervenors note that Joshua Bills, CEM, is MA's commercial energy specialist and that he has participated in a number of cases before the Commission in which net metering was an issue.

Joint Intervenors argue that they have extensive familiarity and working knowledge of demand side management, conservation, renewable energy and other mechanisms for addressing customer energy needs that will assist in the Commission's review of the Integrated Resource Plan (IRP) and the role that such measures can play in meeting customer needs in a reasonable low-cost manner. Joint Intervenors assert that by intervening jointly with common representation that they will not unduly complicate or disrupt the proceeding.

DISCUSSION

The Attorney General is the only person with a statutory right to intervene in a case before the Commission.¹ Intervention by all others is permissive and is within the sound discretion of the Commission.² Motions to intervene are granted based upon the timely filing of a motion to intervene, pursuant to the rules established by the Commission, and a finding that the person seeking intervention has a special interest in the case that is not otherwise adequately represented or is likely to present issues or to develop facts that

¹ Case No. 2017-00179, *Electronic Application of Kentucky Power Company for (1) A General Adjustment of its Rates for Electric Service; (2) An Order Approving Its 2017 Environmental Compliance Plan; (3) An Order Approving Its Tariffs and Riders; (4) An Order Approving Accounting Practices to Establish Regulatory Assets and Liabilities; and (5) An Order Granting all Other Required Approvals and Relief*, (Ky. PSC Aug. 3, 2017), Order at 1.

² *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1996).

will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.³ The person requesting intervention has the burden to establish that its motion to intervene should be granted.⁴

Here, Joint Intervenors have demonstrated, among other things, that they have direct experience with DSM and energy efficiency programs, and renewable energy resources, specifically distributed renewable energy resources. The Commission has been looking closely at utilities' evaluations of the cost effectiveness of DSM programs in IRPs given expected increases in the cost of generation. The Commission also expects the effects of distributed generation on utility planning, if any, to come up in this proceeding. The Commission agrees that the participation of persons with direct experience working with and in the interest of customers on those issues is likely to assist the Commission in fully considering those issues in this matter. Further, while Joint Intervenors experience and interest do overlap to some extent, the Commission agrees that their joint participation with common counsel is not likely to unduly complicate or disrupt the proceedings. Thus, having reviewed Joint Intervenors's motion and being otherwise sufficiently advised, the Commission finds that their intervention is likely to present issues and develop facts that will assist the Commission in fully considering this matter without unduly complicating or disrupting the proceeding. The Commission directs

³ 807 KAR 5:001, Section 4(11)(b).

⁴ See 807 KAR 5:001, Section 4(11)(a)1. ("The motion . . . 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."); see also Case No. 2021-00109, *Electronic Application of Fleming-Mason Energy Cooperative, Inc. for Pass-Through of East Kentucky Power Cooperative, Inc. Wholesale Rate Adjustment* (Ky. PSC May 24, 2021), Order at 4 (granting intervention based on a finding that the intervenor met its burden of proof).

the Joint Intervenors to the Commission's July 22, 2021 Order in Case No. 2020-00085⁵ regarding filings with the Commission.

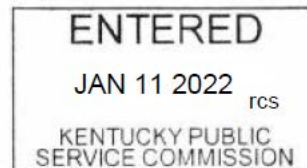
IT IS THEREFORE ORDERED that:

1. The motion of Joint Intervenors to intervene is granted.
2. Joint Intervenors shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Joint Intervenors shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, Joint Intervenors shall file a written statement with the Commission that:
 - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
 - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.
5. Joint Intervenors shall adhere to the procedural schedule set forth in the Commission's November 12, 2021 Order and any amendments thereto.

⁵ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

By the Commission

Commissioner Marianne Butler did not participate in the deliberations or decision concerning this case.



ATTEST:


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