

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILINGS OF LOUISVILLE)	
GAS AND ELECTRIC COMPANY AND)	
KENTUCKY UTILITIES COMPANY TO REVISE)	
PURCHASE RATES FOR SMALL CAPACITY)	CASE NO.
AND LARGE CAPACITY COGENERATION AND)	2023-00404
POWER PRODUCTION QUALIFYING FACILITIES)	
AND NET METERING SERVICE-2 CREDIT)	
RATES)	

ORDER

This matter arises upon the motion of the Mountain Association (MA) and Kentucky Solar Energy Society (KYES) (jointly, Joint Intervenors), filed January 4, 2024, for full intervention. As a basis for its motion, Joint Intervenors stated that the parties had a special interest not adequately represented by another party. In the alternative, Joint Intervenors assert that they will develop likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General

has requested intervention in this matter. Intervention by all others is permissive and is within the sole discretion of the Commission.¹

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that 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.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that the Joint Intervenors have demonstrated that 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.

According to the motion, MA has worked with hundreds of small commercial KU customers over 15 years, providing financing to access investments in energy efficiency and renewable energy, resulting in reduced operating expenses.² MA has assisted energy contractors with technical trainings and equipment financing to grow their businesses.³ According to the motion, KYSES is comprised of members who include residential solar energy customers taking service from companies in their service territory; solar energy enthusiasts; professionals working in the clean energy field in business,

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

² Joint Intervenors' Motion to Intervene (filed Jan. 4, 2024) at 4-5.

³ Joint Intervenors' Motion to Intervene at 4-5.

nongovernmental organizations, and academia; and advocates for a transition to a clean energy economy.⁴ The Joint Intervenors indicated that they intend to fully participate and have adopted procedures to ensure timely decision making and cohesive participation.⁵ They have also assisted the Commission in other similar proceedings.⁶

Based on the above, the Commission finds that the Joint Intervenors should be granted full rights of a party in this proceeding. The Commission finds that the Joint Intervenors will assist the Commission with developing facts without unduly complicating the proceeding. The Commission directs the Joint Intervenors to the Commission's July 22, 2021 Order in Case No. 2020-00085⁷ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. The Joint Intervenors' motion to intervene is granted.
2. The Joint Intervenors are 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. The 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 Joint Intervenors' Motion to Intervene at 5-6.

⁵ Joint Intervenors' Motion to Intervene at 3-4.

⁶ Joint Intervenors' Motion to Intervene at 6.

⁷ 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).

4. The Joint Intervenors shall adhere to the procedural schedule set forth in the Commission's December 13, 2023 Order and as amended by subsequent Orders.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, the 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 shall be served.

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PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner

ENTERED
JAN 11 2024 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

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