

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY )  
POWER COMPANY FOR: (1) APPROVAL TO )  
EXPAND ITS TARGETED ENERGY EFFICIENCY )  
PROGRAM; (2) APPROVAL OF A HOME )  
ENERGY IMPROVEMENT PROGRAM AND A )  
COMMERCIAL ENERGY SOLUTIONS )  
PROGRAM; (3) AUTHORITY TO RECOVER )  
COSTS AND NET LOST REVENUES, AND TO )  
RECEIVE INCENTIVES ASSOCIATED WITH THE )  
IMPLEMENTATION OF ITS DEMAND-SIDE )  
MANAGEMENT/ENERGY EFFICIENCY )  
PROGRAMS; (4) APPROVAL OF REVISED )  
TARIFF D.S.M.C.; (5) ACCEPTANCE OF ITS )  
ANNUAL DSM STATUS REPORT; AND (6) ALL )  
OTHER REQUIRED APPROVALS AND RELIEF )

CASE NO.  
2024-00115

ORDER

This matter arises upon the joint motion of Mountain Association (MA), Appalachian Citizens' Law Center (ACLC), Kentuckians for the Commonwealth (KFTC), and Kentucky Solar Energy Society (KYES) (collectively, Joint Movants), filed May 16, 2024, for full intervention. As a basis for their motion, Joint Movants stated that each movant has a special interest not adequately represented in the case as follows. MA stated that it develops energy programs to benefit residents of eastern Kentucky and Central Appalachia and included examples of its work. ACLC noted that it focuses on energy affordability and sustainability in the same region. KFTC asserted that addresses the economic, environmental, safety impact of energy use on behalf of low-income residential ratepayers. KYES argued that it promotes renewable energy resources and

demand-side management (DSM) programs. Joint Movants also noted that they were permitted to intervene in several other Kentucky Power Company (Kentucky Power) cases of varying types,<sup>1</sup> and were previously able to present issues and develop facts that they maintain assisted 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). Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>2</sup>

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.

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<sup>1</sup> Case No. 0222-00387, *Electronic Tariff Filing of Kentucky Power Company for Approval of a Special Contract with Ebon International, LLC* (Ky. PSC Mar. 30, 2023), Order; Case No. 2022-00424, *Electronic Tariff Filing of Kentucky Power Company for Approval of a Special Contract Under Its Economic Development Rider and Demand Response Service Tariffs with Cyber Innovation Group, LLC* (Ky. PSC Jan 12, 2023), Order; Case No. 2023-00092, *Electronic 2022 Integrated Resource Planning Report of Kentucky Power Company* (Ky. PSC June 2, 2023), Order; Case No 2023-00159, *Electronic Application of Kentucky Power Company for (1) A General Adjustment of Its Rates for Electric Service; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) A Securitization Financing Order; and (5) All Other Required Approvals and Relief* (Ky. PSC Aug. 16, 2023), Order.

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

## DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that Joint Movants have demonstrated that they are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complication the proceedings, for the reasons discussed below. Joint Movants' areas of involvement and their knowledge of and participation in previous and varied Kentucky Power cases. Joint Movants are familiar with facts and issues tied to Kentucky Power's DSM programs. Movants have shown they can assist the Commission in fully considering the matter and by combining resources and functions have been able to minimize complicating or disrupting those cases by reducing duplication of tasks through coordinated representation.

Based on the above, the Commission finds that Joint Movants should be granted full rights of a party in this proceeding. The Commission directs Joint Movants to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>3</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Joint Movants' motion to intervene is granted.
2. Joint Movants 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.

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<sup>3</sup> 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).

3. Joint Movants 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.

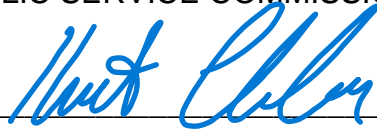
4. Joint Movants shall adhere to the procedural schedule set forth in the Commission's May 30, 2024 Order and as amended by subsequent Orders.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Joint Movants shall file a written statement with the Commission that:

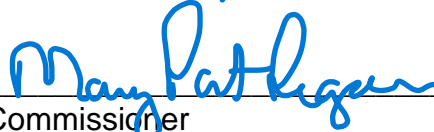
a. Certifies that they, or their agents, possesses the facilities to receive electronic transmissions; and

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner

ENTERED  
JUN 12 2024  
rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
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