

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)
KENTUCKY POWER COOPERATIVE, INC. FOR)
A CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY AND SITE COMPATIBILITY)
CERTIFICATES FOR THE CONSTRUCTION OF)
A 96 MW (NOMINAL) SOLAR FACILITY IN)
MARION COUNTY, KENTUCKY AND A 40 MW)
(NOMINAL) SOLAR FACILITY IN FAYETTE)
COUNTY, KENTUCKY AND APPROVAL OF)
CERTAIN ASSUMPTIONS OF EVIDENCES OF)
INDEBTEDNESS RELATED TO THE SOLAR)
FACILITIES AND OTHER RELIEF)

CASE NO.
2024-00129

ORDER

This matter arises upon the petition of the Lexington-Fayette Urban County Government (LFUCG), filed May 22, 2024, for full intervention. As a basis for its petition, LFUCG stated that it has a special and vital interest in this proceeding that is not otherwise adequately represented in this case as a result of being the local government entity in the area in which the Bluegrass Plains Solar Project will be located. LFUCG also stated that as the local government entity it 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.

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.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 sufficient advised, the Commission finds that LFUCG has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented and that LFUCG is 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.

LFUCG has a special interest that is not otherwise adequately represented as it is the local government entity which would otherwise control zoning issues over the area in which the Bluegrass Plains Solar Project will be locate, and thus has an interest in the permanent consequences on its land use policies. LFUCG is also likely to present issues or develop facts that will assist the Commission in fully considering the matter without

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

unduly complicating or disrupting the proceedings as it has unique knowledge and information relating to the area in which the Bluegrass Plains Solar Project will be located.

Based on the above, the Commission finds that LFUCG should be granted full rights of a party in this proceeding. The Commission directs LFUCG to the Commission's July 22, 2021 Order in Case No. 2020-00085² regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. LFUCG's petition to intervene is granted.
2. LFUCG is 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. LFUCG 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. LFUCG shall adhere to the procedural schedule set forth in the Commission's May 14, 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, LFUCG 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.

² 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).

PUBLIC SERVICE COMMISSION



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Vice Chairman



Commissioner



ATTEST:



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