

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2024 INTEGRATED RESOURCE)	CASE NO.
PLAN OF DUKE ENERGY KENTUCKY, INC.)	2024-00197

ORDER

This matter arises upon the joint motion of Kentucky Solar Energy Society (KYES), Kentuckians for the Commonwealth (KFTC), and Kentucky Resources Council (KRC), (jointly, Joint Movants) filed July 24, 2024, for full intervention.

As a basis for its motion, Joint Movants stated that they have a special interest that cannot be adequately represented by any existing party. Joint Movants also claimed that they were likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The parties granted intervention in this proceeding to date are the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), and the Sierra Club.

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 been granted intervention in this case. 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.

BACKGROUND

Each of the organizations joining this motion has related though distinct interests. KYSES stated that it is non-profit corporation with a mission promote the use of renewable energy resources, energy efficiency, and conservation in Kentucky through education, advocacy, networking and demonstration of practical applications.² Additionally, KYSES asserted that its members include Duke Energy Kentucky's (Duke Kentucky) residential ratepayers and renewable energy professionals within the Duke Kentucky service territory.³

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966). See also SB 349 (2024 Session) created the Energy Planning and Inventory Commission (EPIC). Included in that creation was the right for the executive committee or the executive director if authorized by the committee shall have standing to intervene in any case or other proceeding before the Public Service Commission.

² Joint Motion of Kentucky Solar Energy Society and Kentuckians for the Commonwealth for Full Intervention as Joint Intervenors (Joint Motion to Intervene) (filed July 24, 2024) at 4.

³ Joint Motion to Intervene at 4.

KFTC stated that it is a non-profit corporation that has advocated on behalf of low-income residential ratepayers for over 30 years.⁴ Additionally, KFTC indicated that approximately 1,500 of its members are residential ratepayers within the Duke Kentucky service territory.⁵ Additionally, KFTC stated that it has a deep understanding of the social and economic conditions facing communities and residential customers; the challenges of and opportunities for energy efficiency, demand side management, and distributed renewable energy; and the broader trends, challenges, and opportunities related to electric power generation and transmission in Kentucky.⁶

KRC stated that it is a non-profit corporation dedicated to prudent use and conservation of the natural resources of the Commonwealth and provides legal and technical assistance to organizations and low-income customers.⁷ Additionally, KRC argued its members include residential ratepayers with the Duke Kentucky service territory.⁸ Finally, Joint Movants indicated that their interests are different than those of the existing parties, and their participation 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 and that existing parties to the proceeding do not adequately represent Joint Intervenors' respective interests.⁹ Joint Movants also asserted that if granted Joint Intervenor status, they will accept and abide by the procedural schedule,

⁴ Joint Motion to Intervene at 5.

⁵ Joint Motion to Intervene at 5.

⁶ Joint Motion to Intervene at 5.

⁷ Joint Motion to Intervene at 6.

⁸ Joint Motion to Intervene at 6.

⁹ Joint Motion to Intervene at 2.

including the filing of any testimony, data requests, and response to any data requests and present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding.¹⁰ Additionally, Joint Movants stated that discovery, testimony, and witnesses will be jointly offered by the organizations, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case.¹¹

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Joint Movants (hereafter referred to as Joint Intervenors) that Joint Intervenors 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 Intervenors have demonstrated that, among other things, they can present issues and develop facts related to Duke Kentucky's evaluation of renewable energy and demand side resources in its IRP. The Commission expects those issues to come up in this matter and agrees that participation of persons with direct experience in these matters is likely to assist the Commission in fully considering this matter. Joint Intervenors have also asserted that they will speak with one voice and participate in this proceeding to develop a fuller and more robust case record. All of the organizations included in the joint

¹⁰ Joint Motion to Intervene at 2.

¹¹ Joint Motion to Intervene at 3.

motion have also previously participated in Commission cases.¹² Thus, the Commission finds that Joint Intervenors are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings.

Based on the above, the Commission finds that Joint Intervenors should be granted full rights of a party in this proceeding. The Commission directs Joint Intervenors to the Commission's July 22, 2021 Order in Case No. 2020-00085¹³ regarding filings with the Commission.

In light of Joint Intervenors' statement that they will speak as one party, the Commission finds that each of the Joint Intervenors should file a separate copy of all documents that evidence their individual agreement regarding their joint participation in this matter, whether the agreement is executed by email or in a written agreement.

IT IS HEREBY ORDERED that:

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

¹² Case No. 2021-00393, *Electronic 2021 Joint Integrated Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Jan. 11, 2022); Case No. 2022-00098, *Electronic 2022 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.* (Ky. PSC June 24, 2022); and 2023-00092, *Electronic 2022 Integrated Resource Planning Report of Kentucky Power Company* (Ky. PSC June 2, 2023) and 2023-00310, *Electronic 2023 Integrated Resource Plan of Big Rivers Electric Corporation* (Ky. PSC Dec. 8, 2023).

¹³ 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 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 shall adhere to the procedural schedule set forth in the Commission's July 16, 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 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.


6. Each of the Joint Intervenors shall file a separate copy with the Commission of their individual agreement regarding their joint participation in this matter within ten days of entering into the agreement.

PUBLIC SERVICE COMMISSION

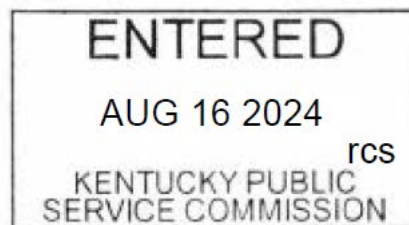


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