

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF KENTUCKY	)	CASE NO.
POWER COMPANY TO REVISE ITS	)	2024-00305
INDUSTRIAL GENERAL SERVICE TARIFF	)	

ORDER

This matter arises upon the timely motion of the Kentucky Industrial Utility Customers, Inc. (KIUC), filed October 4, 2024, for full intervention.<sup>1</sup> As a basis for its motion, KIUC stated that it had a special interest due to the fact that its member who is served by Kentucky Power Company (Kentucky Power) is Catlettsburg Refining LLC, a subsidiary of Marathon Petroleum LP (Marathon).<sup>2</sup> Marathon is the largest customer on the Kentucky Power system, purchasing approximately 15 percent of all energy sold at retail by Kentucky Power. Marathon is also the largest petroleum refiner in the United States (U.S.).<sup>3</sup>

KIUC also asserted that it would present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.<sup>4</sup> Specifically, KIUC said it is in a unique position as the adoption of a new tariff for customers over 150 MW could impact future operations or plant expansions

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<sup>1</sup> KIUC's Motion to Intervene (KIUC Intervention Motion) (filed Oct. 4, 2024).

<sup>2</sup> KIUC Intervention Motion at 2.

<sup>3</sup> KIUC Intervention Motion at 2.

<sup>4</sup> KIUC Intervention Motion at 3.

at Marathon.<sup>5</sup> KIUC stated that it has participated in ratemaking matters before this Commission since 1978; it will be a helpful and active participant should its intervention request be granted.<sup>6</sup>

### 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 was granted intervention in this case by Order dated October 3, 2024.<sup>7</sup> Intervention by all others is permissive and within the sole discretion of the Commission.<sup>8</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.

### DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that KIUC has demonstrated that it has a special interest

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<sup>5</sup> KIUC Intervention Motion at 2.

<sup>6</sup> KIUC Intervention Motion at 2-3.

<sup>7</sup> Order (Ky. PSC Oct. 3, 2024).

<sup>8</sup> *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.

in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that KIUC is likely to present issues or develop facts that will assist the Commission in considering this matter without undue complication the proceedings, for the reasons discussed below.

Catlettsburg Refining LLC, a subsidiary of Marathon, which is the largest customer on the Kentucky Power system, as well as the largest petroleum refiner in the U.S. is a member of KIUC. This distinction satisfies the special interest prong as a party not otherwise adequately represented in the case. KIUC is in a unique position as the adoption of a new tariff for customers over 150 MW could impact future operations or plant expansions at Marathon.

KIUC has demonstrated in numerous Kentucky Power proceedings that it may likely present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.<sup>9</sup>

Based on the above, the Commission finds that KIUC should be granted full rights of a party in this proceeding. The Commission directs KIUC to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>10</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. KIUC's motion to intervene is granted.

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<sup>9</sup> Case No. 2024-00016, *Electronic Application of Kentucky Power Company For: (1) Approval of the Rockport Offset True-Up Amount; (2) Approval to Collect the Rockport Offset True-Up Through Tariff Purchase Power Adjustment; and (3) All Other Required Approvals and Relief* and Case No. 2023-00318, *Electronic Tariff Filing of Kentucky Power Company to Update Its Purchase Power Adjustment Rates*

<sup>10</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).

2. KIUC 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. KIUC 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. KIUC shall adhere to the procedural schedule set forth in the Commission's September 26, 2024 Order and as amended by subsequent Orders.

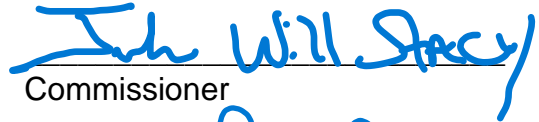
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, KIUC shall file a written statement with the Commission that:

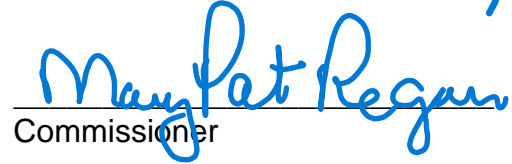
a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

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

PUBLIC SERVICE COMMISSION

  
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Chairman

  
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Commissioner

  
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Commissioner

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KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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