

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2024 JOINT INTEGRATED	)	
RESOURCE PLAN OF LOUISVILLE GAS AND	)	CASE NO.
ELECTRIC COMPANY AND KENTUCKY	)	2024-00326
UTILITIES COMPANY	)	

ORDER

This matter arises upon the motion of the Mountain Association, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, and Metropolitan Housing Coalition (MHC) (collectively, Joint Movants), filed November 8, 2024, for full intervention. As a basis for its motion, Joint Movants stated that, if granted Joint Intervenor status, they will accept and abide by the procedural schedule, including the filing of any requests for information, testimony, and response to any requests for information, so that there is no prejudice to the applicant or other parties from the grant of full joint intervenor status to Joint Movants at this time.<sup>1</sup> Joint Movants argued that their interests in the Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) 2024 Integrated Resource Plan (IRP) 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.<sup>2</sup> Joint Movants stated that they have participated as Joint Intervenors in Commission

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<sup>1</sup> Joint Movants' Motion to Intervene (filed Nov. 8, 2024) at 2.

<sup>2</sup> Joint Movants' Motion to Intervene at 2.

proceedings involving other utilities and have neither complicated nor disrupted those proceedings.<sup>3</sup>

### LEGAL STANDARD

Until recently, the only person who has a statutory right to intervene in this 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).<sup>4</sup> The Attorney General was granted intervention on October 24, 2024. Intervention by others is permissive and is within the sole discretion of the Commission.<sup>5</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.

### BACKGROUND

Joint Movants stated that Mountain Association is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with an office at 433 Chestnut Street, Berea, Kentucky, 40403.<sup>6</sup> Mountain Association works with people in eastern

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<sup>3</sup> Joint Movants' Motion to Intervene at 3.

<sup>4</sup> Pursuant to KRS 164.2807 (8) the executive committee, or the executive director if authorized by the executive committee, for the Energy Planning and Inventory Commission shall have standing to participate as an intervening party in any case or other proceeding before the Public Service Commission.

<sup>5</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

<sup>6</sup> Joint Movants' Motion to Intervene at 3.

Kentucky and Central Appalachia to create economic opportunity, strengthen democracy, and support the sustainable use of natural resources.<sup>7</sup>

Kentuckians for the Commonwealth is a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky with its principal office located at 131 North Mill Street, London, Kentucky 40743, and also maintains an office at 786 Shelby Street, Louisville, Kentucky 40203, where it is an LG&E ratepayer.<sup>8</sup> Joint Movants described Kentuckians for the Commonwealth as “a forty-three-year-old, multi-issue grassroots organization of Kentuckians inspired by a vision to work for a brighter future for all people, no matter our color, where we come from, or how much money we have”.<sup>9</sup> Joint Movants stated that, as an organization, Kentuckians for the Commonwealth has been involved with issues affecting low-income residential ratepayers for over thirty years and has significant experience in educating the public and supporting both public comments and expert testimony in rate cases and has gained a deep understanding of the needs of residential customers across the state for energy efficiency, demand side management, and a healthy energy system, and the consequences for communities of the transition to clean energy.<sup>10</sup>

Kentucky Solar Energy Society is a non-profit corporation in good standing, incorporated in the Commonwealth of Kentucky, with its principal office at 215 Oxford Place, Louisville, Kentucky 40207.<sup>11</sup> Joint Movants discussed that the mission of

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<sup>7</sup> Joint Movants’ Motion to Intervene at 3.

<sup>8</sup> Joint Movants’ Motion to Intervene at 4.

<sup>9</sup> Joint Movants’ Motion to Intervene at 4.

<sup>10</sup> Joint Movant’s Motion to Intervene at 5.

<sup>11</sup> Joint Movants’ Motion to Intervene at 5

Kentucky Solar Energy Society is to promote the use of renewable energy resources, energy efficiency, and conservation in Kentucky through education, advocacy, networking, and demonstration of practical applications.<sup>12</sup> Kentucky Solar Energy Society is comprised of members who include residential solar energy customers taking service from LG&E-KU; solar energy enthusiasts; professionals working in the clean energy field in business, nongovernmental organizations, and academia; and advocates for a transition to a clean energy economy.<sup>13</sup>

Joint Movants stated that MHC is a non-profit, non-partisan membership organization incorporated under the laws of the Commonwealth of Kentucky in 1989, with an office in Metro Louisville taking service from LG&E, and comprised of approximately 300 individual and organizational members.<sup>14</sup> Joint Intervenors described MHC members include representatives of low-income households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, and other advocacy groups, advocating with a united voice for fair, safe, and affordable housing in the Metro Louisville area.<sup>15</sup> Joint Movants stated that, as part of its mission, MHC has focused on electric and gas utility costs as an integral component of fair and affordable housing for many years.<sup>16</sup> Joint Movants argued that MHC brings a perspective on the impact of decisions regarding capital investment and demand side strategies regarding utility service and the particular and disproportionate

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<sup>12</sup> Joint Movants' Motion to Intervene at 5.

<sup>13</sup> Joint Movants' Motion to Intervene at 5–6.

<sup>14</sup> Joint Movants' Motion to Intervene at 6.

<sup>15</sup> Joint Movants' Motion to Intervene at 6.

<sup>16</sup> Joint Movants' Motion to Intervene at 6.

impacts that utility costs have on access to affordable housing for fixed- and low-income individuals and families.<sup>17</sup>

### DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Joint Movants, hereinafter referred to as Joint Intervenors, have demonstrated they are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings for the reasons discussed below.

Joint Intervenors will assist the Commission in developing the case record regarding economic development, demand side management programs, low-income programs, and those interested in energy efficiency for discovery purposes.

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. 2020-00085<sup>18</sup> regarding filings with the Commission. Furthermore, the Commission directs the Joint Intervenors to provide a statement in the record that Joint Intervenors have an agreement in place regarding decision making in the case.

IT IS HEREBY ORDERED that:

1. Joint Movants', now Joint Intervenors, motion to intervene is granted.

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<sup>17</sup> Joint Movants' Motion to Intervene at 7.

<sup>18</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. 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. 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 October 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:

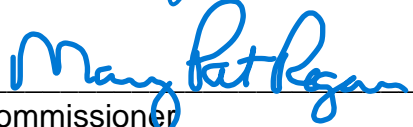
a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and


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

6. Within 20 days of service of this Order, Joint Intervenors shall provide a statement in the record that Joint Intervenors have an agreement in place regarding decision making in the case.

PUBLIC SERVICE COMMISSION

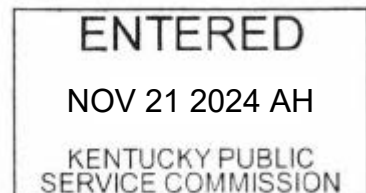
  
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Chairman

  
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Commissioner

  
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Commissioner

ATTEST:

  
\_\_\_\_\_  
Executive Director



Case No. 2024-00326

\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Rick E Lovekamp  
Manager - Regulatory Affairs  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Ashley Wilmes  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KENTUCKY 40602

\*Robert Conroy  
Vice President, State Regulation and Rates  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Honorable Allyson K Sturgeon  
Vice President and Deputy General Counsel-  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Kentucky Utilities Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Byron Gary  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KENTUCKY 40602

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*John Horne  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*J. Michael West  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204