

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 Kentucky Coal Association, Inc. (KCA), filed November 8, 2024, for full intervention. KCA is a Kentucky nonprofit corporation in existence as a corporation since 1947.<sup>1</sup> KCA stated that it is the state’s leading organization dedicated to advancing the interests of the coal industry across Kentucky.<sup>2</sup> KCA stated that several members of KCA are served by Louisville Gas and Electric Company and Kentucky Utilities Company (LG&E/KU), including Alliance Coal, LLC, Associated Engineers, Inc., Boyd Company, Caudill Seed Company, Liberty Mining Consultants, Inc., Jennmar USA, Joy Global Underground Mining, 2 LLC, Mine and Mill Supply Company, LLC, Minova USA, and Penn Virginia Resource Partners, LP.<sup>3</sup>

As a basis for its motion, KCA stated that that LG&E/KU’s integrated resource plan (IRP) impacts KCA and KCA’s members, and KCA members also have a significant interest, including an economic interest, in reliable and resilient power for their own

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<sup>1</sup> KCA’s Motion to Intervene (filed Nov. 8, 2024) at 1.

<sup>2</sup> KCA’s Motion to Intervene at 1.

<sup>3</sup> KCA’s Motion to Intervene at 1-2.

businesses.<sup>4</sup> KCA stated it and its members have procedural and organizational interests in advocating on behalf of the thousands of Kentucky citizens and businesses supporting their livelihoods from the coal industry in this case.<sup>5</sup> KCA stated, if granted intervention, KCA will include expert involvement to evaluate LG&E/KU's IRP proposal including, but not limited to, the financial benefits of the continued operation of the existing coal-fired units.<sup>6</sup>

KCA argued that KCA and its members have a special interest which is not otherwise represented by any other party or prospective party in this above-captioned case including that of the Attorney General and its participation will not unduly complicate or disrupt the proceeding.<sup>7</sup> KCA also argued that it is in a unique position on behalf of the coal industry to assist the Commission in evaluating LG&E's IRP and is likely to present issues or develop facts that will assist the Commission to fully consider the matters at hand.<sup>8</sup> KCA stated that it currently expects to, at a minimum, conduct discovery, provide written comments and actively participate in any hearing in this matter. KCA concluded that it will be a helpful and active participant should its request to intervene be granted along with this motion being timely and will not unduly complicate or disrupt the proceedings.<sup>9</sup>

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<sup>4</sup> KCA's Motion to Intervene at 2-3.

<sup>5</sup> KCA's Motion to Intervene at 3.

<sup>6</sup> KCA's Motion to Intervene at 3.

<sup>7</sup> KCA's Motion to Intervene at 3.

<sup>8</sup> KCA's Motion to Intervene at 3-4.

<sup>9</sup> KCA's Motion to Intervene at 4.

## 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>10</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>11</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 sufficient advised, the Commission finds that KCA has demonstrated that it is 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.

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<sup>10</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 (EPIC) shall have standing to participate as an intervening party in any case or other proceeding before the Public Service Commission.

<sup>11</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

KCA will assist the Commission in developing discovery and facts related to issues arising in the coal industry including discussion on the continued operation of the existing coal-fired generation units.

Based on the above, the Commission finds that KCA should be granted full rights of a party in this proceeding. The Commission directs KCA to the Commission's July 22, 2021, Order in Case No. 2020-00085<sup>12</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

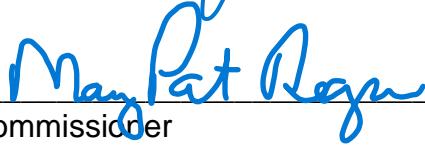
1. KCA's motion to intervene is granted.
2. KCA is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. KCA shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. KCA 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, KCA 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.

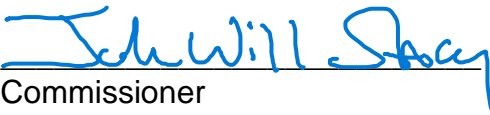
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<sup>12</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

  
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Commissioner

ATTEST:

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

ENTERED  
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