

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 Sierra Club, filed October 30, 2024, for full intervention. As a basis for its motion, Sierra Club stated that it has a special interest in this Integrated Resource Plan (IRP) proceeding not adequately represented by any party in this case¹. Sierra Club argued that no other party to this docket adequately represents the institutional and policy interests of Sierra Club and its members, including as it pertains to the environment and public health.² Sierra Club described its Sierra Club’s members’ interest avoiding continued investment in expensive fossil fuel energy resources and infrastructure, especially in light of current and impending environmental regulations and the rapid development of renewable energy and storage technology.³ Furthermore, Sierra Club argued that if granted intervention it will present issues and develop facts that will assist the Commission in fully considering the IRP without unduly complicating or disrupting the proceeding.⁴ Sierra Club stated that it is seeking to present

¹ Sierra Club’s Motion to Intervene (filed Oct. 30, 2024) at 9.

² Sierra Club’s Motion to Intervene at 9.

³ Sierra Club’s Motion to Intervene at 9.

⁴ Sierra Club’s Motion to Intervene at 5.

testimony regarding whether such a piecemeal approach to comply with environmental regulations are reasonable.⁵

On November 1, 2024, Sierra Club also moved the Commission to admit *pro hac vice* Nathaniel Shoaff, an attorney whose office is in California, and Kristin Henry, an attorney whose office is in California, to practice law before the Commission on behalf of Sierra Club in association with Joe Childers, an attorney licensed to practice law in the Commonwealth of Kentucky, in this case. In support of the request, Nathaniel Shoaff and Kristin Henry have shown that they are members in good standing of another state bar and have been certified to practice before the Commission in this case by the Kentucky Bar Association under Kentucky Supreme Court Rule 3.030(2). In addition, Nathaniel Shoaff and Kristin Henry have agreed to be subject to the jurisdiction and rules of the Commission and the Kentucky Bar Association.

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).⁶ The Attorney General was granted intervention on October 24, 2024. Intervention by others is permissive and is within the sole discretion of the Commission.⁷

⁵ Sierra Club's Motion to Intervene at 7.

⁶ 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.

⁷ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

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 Sierra Club has demonstrated it is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complication the proceedings. Sierra Club has demonstrated that it will present issues and develop facts regarding energy policy and law, renewable energy generation, energy efficiency, and environmental regulations.

Based on the above, the Commission finds that Sierra Club should be granted full rights of a party in this proceeding. The Commission directs Sierra Club to the Commission's July 22, 2021, Order in Case No. 2020-00085⁸ regarding filings with the Commission.

The Commission further finds that Nathaniel Shoaff and Kristin Henry are admitted *pro hac vice* for the purpose of representing Sierra Club in association with Joe Childers in the above-styled proceeding, provided that Joe Childers or another member of the

⁸ 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).

Kentucky Bar Association acts as co-counsel and is present at all proceedings before this Commission.

IT IS HEREBY ORDERED that:

1. Sierra Club's motion to intervene is granted.
2. Sierra Club 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. Nathaniel Shoaff and Kristin Henry are admitted *pro hac vice* for the purpose of representing Sierra Club in association with Joe Childers in the above-styled proceeding, provided that Joe Childers or another member of the Kentucky Bar Association acts as co-counsel and is present at all proceedings before this Commission.
4. Sierra Club 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.
5. Sierra Club shall adhere to the procedural schedule set forth in the Commission's October 30, 2024 Order and as amended by subsequent Orders.
6. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Sierra Club 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.

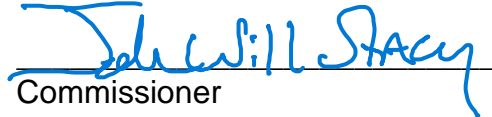
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

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

*Joe F. Childers
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KENTUCKY 40507

*Nathaniel Shoaff
Sierra Club
2101
Webster St. , Suite 1300
Oakland, CALIFORNIA 94612

*Aaron D Reedy
Hurt, Deckard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

*John Horne
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

*Kristin Henry
Staff Attorney
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CALIFORNIA 94612

*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

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

*Randal A. Strobo
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KENTUCKY 40202

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

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

*Simon Mahan
Southern Renewable Energy Association
11610 Pleasant Ridge Road
Suite 103
Little Rock, ARKANSAS 72223

*Honorable David Edward Spenard
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KENTUCKY 40202

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

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

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Matthew R Malone
Attorney at Law
Hurt, Deckard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

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

*Whit Cox
Southern Renewable Energy Association
11610 Pleasant Ridge Road
Suite 103
Little Rock, ARKANSAS 72223