

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY )	
KENTUCKY, INC. FOR: 1) AN ADJUSTMENT OF )	
THE ELECTRIC RATES; 2) APPROVAL OF NEW )	CASE NO.
TARIFFS; 3) APPROVAL OF ACCOUNTING )	2024-00354
PRACTICES TO ESTABLISH REGULATORY )	
ASSETS AND LIABILITIES; AND 4) ALL OTHER )	
REQUIRED APPROVALS AND RELIEF )	

ORDER

This matter arises upon the motion of The Kroger Co. (Kroger), filed December 19, 2024, for full intervention. As a basis for its motion, Kroger stated that it has a special interest as a large commercial customer of Duke Energy Kentucky, Inc. (Duke Kentucky) in this proceeding. Kroger also stated that its expansive history in participating in similar regulatory proceedings will allow it to assist the Commission in developing facts without unduly complicating the proceeding.

LEGAL STANDARD

The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), has the statutory right to intervene in Commission cases pursuant to KRS 367.150(8)(b). The Attorney General's motion to intervene was granted in this case on December 11, 2024. With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.<sup>1</sup>

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<sup>1</sup> KRS 164.2807.

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 Kroger has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that Kroger 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.

The Commission finds that Kroger has a special interest related to large, multi-site Service at Distribution Voltage (DS) and Time-of-Day Rate for Service at Distribution Voltage (DT) customers rate schedules.<sup>2</sup> According to the motion, Kroger's facilities are also distinguished by the fact that they are largely high-load factor facilities that use the Duke Kentucky's system's capacity resources in a relatively efficient manner.<sup>3</sup> Kroger also has a special interest in ensuring that Duke Kentucky's rates properly recover demand-related costs through demand charges.<sup>4</sup>

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<sup>2</sup> Kroger's Motion to Intervene (filed on Dec. 19, 2024) at 2.

<sup>3</sup> Kroger's Motion to Intervene at 2.

<sup>4</sup> Kroger's Motion to intervene at 2.

The Commission finds Kroger will assist in presenting issues or developing facts without unduly complicating the proceedings. Kroger has extensive experience in regulatory proceedings.<sup>5</sup> According to the motion, Kroger intends to play a constructive role in the Commission's decision-making process.<sup>6</sup>

Based on the above, the Commission finds that Kroger should be granted full rights of a party in this proceeding. The Commission directs Kroger to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>7</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Kroger's motion to intervene is granted.
2. Kroger 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. Kroger 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. Kroger shall adhere to the procedural schedule set forth in the Commission's December 18, 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, Kroger shall file a written statement with the Commission that:

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

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

<sup>7</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).

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

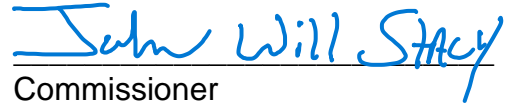
b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

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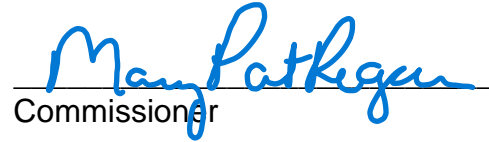
PUBLIC SERVICE COMMISSION



Chairman

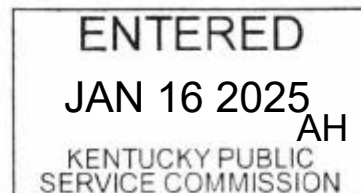


Commissioner



Commissioner

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