

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)	
TARIFFS; 3) APPROVAL OF ACCOUNTING)	CASE NO.
PRACTICES TO ESTABLISH REGULATORY)	2024-00354
ASSETS AND LIABILITIES; AND 4) ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

ORDER

This matter arises upon the motion of the Walmart Inc. (Walmart), filed January 2, 2025, for full intervention. As a basis for its motion, Walmart stated that it has a unique, special interest that cannot be adequately represented by another party.¹ Walmart also stated that it would present issues and develop facts that will assist the Commission.²

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.³

¹ Walmart's Motion to Intervene (filed on Jan. 2, 2025) at 3.

² Walmart's Motion to Intervene at 3-4.

³ 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 Walmart has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented and that Walmart 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 Walmart has a special interest in this proceeding. The retailer has five facilities, independently spread throughout the service area of Duke Energy Kentucky, Inc. (Duke Kentucky).⁴ According to Walmart, it purchased more than 17.9 million kWh of electricity in 2024 from Duke Kentucky.⁵ The business is classified for billing purposes principally under the Time-of-Day Rate for Service at Distribution Voltage (DT) and Service at Distribution Voltage (DS) Rate Schedules.⁶ All of these factors support Walmart's special interest in this case.

⁴ Walmart's Motion to Intervene at 2.

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The Commission further finds that, although only one prong of 807 KAR 5:001, Section 4(11) must be met to be granted intervention, Walmart will assist the Commission by presenting issues or developing facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. In support of this prong and recognizing that prior intervention is not determinative in this matter, Walmart cited to its prior Commission case involvement as well as its ability to provide testimony with a different perspective.⁷

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

IT IS HEREBY ORDERED that:

1. Walmart's motion to intervene is granted.
2. Walmart 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. Walmart 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. Walmart shall adhere to the procedural schedule set forth in the Commission's December 18, 2024 Order and as amended by subsequent Orders.

⁷ Walmart's Motion to Intervene at 4.

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).

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

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

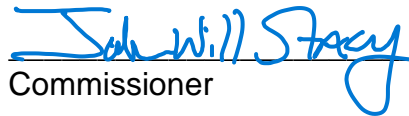
b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

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PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:

Executive Director

ENTERED
JAN 17 2025 AH
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

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

*Sarah Lawler
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Carrie H Grundmann
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NORTH CAROLINA 27103

*Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45202

*Debbie Gates
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Larisa Vaysman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Elizabeth Brama
Taft Stettinius & Hollister LLP
1717 Dixie Highway, Suite 340
Covington, KENTUCKY 41011-4707

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

*Hikmat N. Al-Chami
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NORTH CAROLINA 27103

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

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

*Minna Sunderman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

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

*Rocco O D'Ascenzo
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201