

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
1) CERTIFICATES OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A NEW)	CASE NO.
GENERATION RESOURCES; 2) FOR A SITE)	2024-00370
COMPATIBILITY CERTIFICATE RELATING TO)	
THE SAME; 3) APPROVAL OF DEMAND SIDE)	
MANAGEMENT TARIFFS; AND 4) OTHER)	
GENERAL RELIEF)	

ORDER

This matter arises from an application filed by East Kentucky Power Cooperative, Inc. (EKPC) requesting issuance of a Certificate of Public Convenience and Necessity (CPCN) to construct a new electric generation resource, for a site compatibility certificate relating to same, approval of demand side management tariffs, and other general relief tendered on November 20, 2024, and accepted for filing on November 25, 2024.¹ This Order follows the timely motion of the Nucor Steel Gallatin (Nucor), filed November 22, 2024, for full intervention.²

¹ EKPC tendered its application on November. 20, 2024. By letter dated November 22, 2024, the Commission rejected the application for filing deficiencies. The deficiencies were subsequently cured, and the application is deemed filed on November 25, 2024.

² Nucor's Motion for Intervention (Intervention Motion) (filed Nov.22, 2024).

As a basis for its motion, Nucor stated that it has a special interest because it is a large industrial customer of EKPC which takes service on a different rate schedule than residential customers.³

Nucor also asserted that it would present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.⁴ Specifically, Nucor stated it is in a unique position as the construction of new generation resources will directly affect the demand and energy charges paid by Nucor.⁵ Nucor is the largest single user on the EKPC system and is one of the largest users of electricity in the United States.⁶ Nucor stated that it will be a helpful and active participant should its intervention request be granted.⁷

LEGAL STANDARD

The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), has a statutory right to intervene in Commission cases pursuant to KRS 367.150(8)(b). The Attorney General was granted intervention by Order on December 6, 2024.⁸ With limited exception,⁹ intervention by all others is permissive and is within the sole discretion of the Commission.¹⁰

³ Intervention Motion at 2.

⁴ Intervention Motion at 7.

⁵ Intervention Motion at 7.

⁶ Intervention Motion at 7.

⁷ Intervention Motion at 7.

⁸ Order (Ky. PSC Dec. 6, 2024).

⁹ KRS 164.2807.

¹⁰ *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 sufficiently advised, the Commission finds that Nucor has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented and, although not necessary once one prong of the 807 KAR 5:001 Section 4(11) has been satisfied, Nucor is also 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.

Nucor satisfies the special interest prong set forth in 807 KAR 5:001, Section 4(11) as the largest end-use electric customer located in the Owen Electric service territory, a cooperative member of EKPC, and takes service on a different rate schedule than residential customers. The construction of new resources will, in all likelihood, directly affect the demand and energy charges paid by Nucor.

Additionally, it appears that Nucor's intervention will assist the Commission in further presenting issues and developing facts in this matter, as well as tariff analysis and evaluation, without unduly complicating the proceedings.

Based on the above, the Commission finds that Nucor should be granted full rights of a party in this proceeding. The Commission directs Nucor to the Commission's July 22, 2021, Order in Case No. 2020-00085¹¹ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

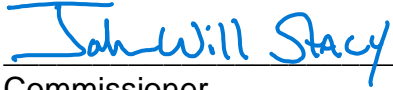
1. Nucor's motion to intervene is granted.
2. Nucor is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Nucor shall comply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

¹¹ 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).

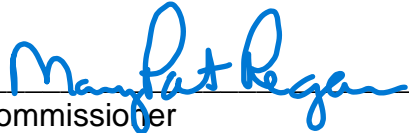
PUBLIC SERVICE COMMISSION



Chairman



Commissioner

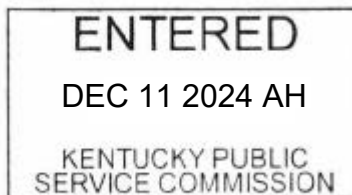


Commissioner

ATTEST:



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