

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 upon the motion of the Appalachian Citizens' Law Center, Kentuckians for the Commonwealth, and Mountain Association (collectively, Joint Movants) filed December 13, 2024, for full intervention.<sup>1</sup>

As a basis for the joint motion, Joint Movants stated that they will present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding.<sup>2</sup> Joint Movants further stated that existing parties to the proceeding do not adequately represent Joint Movants' respective interests.<sup>3</sup> Joint Movants also stated that they have adopted internal procedures to assure timely decision-making and coordinated participation and will jointly offer

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<sup>1</sup> Joint Motion of Appalachian Citizens' Law Center, Kentuckians for the Commonwealth and Mountain Association for Full Intervention as Joint Intervenors (Joint Motion) (filed Dec. 13, 2024).

<sup>2</sup> Joint Motion, paragraph 6.

<sup>3</sup> Joint Motion, paragraph 5.

discovery, testimony, and witnesses, and that they will speak with one voice with coordinated participants.<sup>4</sup>

Appalachian Citizens' Law Center stated that it meets the legal requirements for intervention in that it holds a special interest in the case that is not otherwise adequately represented, and its involvement is likely to contribute valuable issues and facts.<sup>5</sup> Appalachian Citizens' Law Center is a Kentucky non-profit corporation that, since 2001, has focused on addressing environmental, health, and economic impacts of resource extraction in Eastern Kentucky and Central Appalachia, with particular emphasis on utility affordability and energy transition issues.<sup>6</sup> Appalachian Citizens' Law Center stated that it meets the legal requirements for intervention in that it holds a special interest in the case that is not otherwise adequately represented, and its involvement is likely to contribute valuable issues and facts without undue complication.<sup>7</sup>

Kentuckians for the Commonwealth stated that it meets the legal requirements for intervention in that it holds a special interest in the case that is not otherwise adequately represented, and its involvement is likely to contribute valuable issues and facts.<sup>8</sup> With over 12,000 members across Kentucky, including over 1,000 members who receive their electric utility service from East Kentucky Power Cooperative, Inc. (EKPC) distribution cooperatives, Kentuckians for the Commonwealth has a vested interest in advocating for low-income residential ratepayers and supporting a healthy, fair energy system.

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<sup>4</sup> Joint Motion, paragraph 6.

<sup>5</sup> Joint Motion, paragraph 10.

<sup>6</sup> Joint Motion, paragraph 8.

<sup>7</sup> Joint Motion, paragraphs 7–10.

<sup>8</sup> Joint Motion, paragraph 14.

Kentuckians for the Commonwealth stated that its decades of experience in grassroots organizing, public education, and active participation in rate cases give it a unique perspective on the needs of Kentucky's residential customers and the impacts of transitioning to clean energy, which will aid the Commission's consideration without causing undue disruption.<sup>9</sup>

Mountain Association stated that it meets the legal requirements for intervention in that it holds a special interest in the case that is not otherwise adequately represented, and its involvement is likely to contribute valuable insights and relevant facts.<sup>10</sup> As a non-profit with a longstanding commitment to fostering economic opportunity, sustainability, and energy security in eastern Kentucky and Central Appalachia, Mountain Association stated that it has a unique perspective rooted in extensive experience with local energy programs and partnerships.<sup>11</sup> Mountain Association stated that this background equips it to assist the Commission in fully examining the issues without causing undue complications, as evidenced by its recognition with the 2020 Environmental Pacesetter Award for environmental stewardship.<sup>12</sup>

#### 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 was granted

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<sup>9</sup> Joint Motion, paragraphs 12–14.

<sup>10</sup> Joint Motion, paragraph 18.

<sup>11</sup> Joint Motion, paragraph 16.

<sup>12</sup> Joint Motion, paragraphs 15–18.

intervention by Order dated December 6, 2024.<sup>13</sup> With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.<sup>14</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 Joint Movants satisfy the second prong of 807 KAR 5:001, Section 4(11). Specifically, Joint Movants have demonstrated that their participation 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.

Appalachian Citizens' Law Center's extensive experience advocating for utility affordability and sustainable energy transition in Eastern Kentucky, combined with its direct representation of community interests before the Commission, positions it to present unique perspectives and develop relevant facts that will assist the Commission in fully considering this matter. The Commission further finds that Appalachian Citizens' Law Center's intervention will not unduly complicate or disrupt the proceedings.

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<sup>13</sup> Order (Ky. PSC Dec. 6, 2024).

<sup>14</sup> KRS 164.2807.

Kentuckians for the Commonwealth, with over 12,000 members, including more than 1,000 EKPC cooperative customers, brings a unique perspective grounded in grassroots organizing, public education, and advocacy for low-income residential ratepayers. Its decades of experience in addressing the needs of Kentucky's residential customers and its focus on the transition to clean energy will assist the Commission in evaluating EKPC's application comprehensively and efficiently without undue complication.

Mountain Association's extensive work on energy programs and partnerships in Eastern Kentucky and Central Appalachia positions it to provide critical insights into economic opportunity, energy sustainability, and the impacts of EKPC's proposals on small commercial customers and energy contractors. Its recognized expertise, highlighted by the 2020 Environmental Pacesetter Award, ensures that its contributions will enrich the record without unnecessary complications.

Based on the above, the Commission finds that Joint Movants should be granted full rights of a party in this proceeding. However, the Commission emphasizes that in future proceedings, the Joint Movants must state with specificity their particular interests and expertise relevant to each individual case. The Commission's decision to grant intervention in this matter should not be construed as a presumption of future intervention rights, as each request for intervention will be evaluated independently based on the specific circumstances and merits of the case. The Commission directs Joint Movants to

the Commission's July 22, 2021, Order in Case No. 2020-00085<sup>15</sup> regarding filings with the Commission.

In light of Joint Movants' statement that they will speak as one party, the Commission finds that each of the Joint Movants should file a separate copy of all documents that evidence their individual agreement regarding their joint participation in this matter, whether the agreement is executed by email or in a written agreement, if such documented agreements exist.

IT IS HEREBY ORDERED that:

1. Joint Movants' motion to intervene is granted.
2. Joint Movants are 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. Joint Movants 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. Joint Movants 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, Joint Movants shall file a written statement with the Commission that:
  - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

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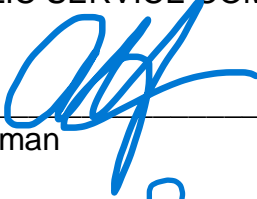
<sup>15</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).


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

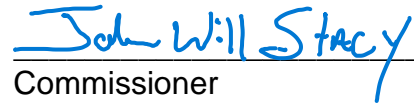
6. Each of the Joint Movants shall file a separate copy with the Commission of their individual agreement regarding their joint participation in this matter within ten days of entering into the agreement.

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PUBLIC SERVICE COMMISSION

  
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Chairman

  
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Commissioner

  
\_\_\_\_\_  
Commissioner

ATTEST:

   
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