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Commonwealth of Kentucky
Public Service Commission
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Angie Hatton
Chair

Mary Pat Regan
Commissioner

Andrew W. Wood
Commissioner

August 14, 2025

PARTIES OF RECORD

Re: Case No. 2025-00045

Notice is given to all parties that the attached documents provided at the Hearing of August 4, 2025, have been filed into the record of this proceeding.

If you have any comments you would like to make regarding the contents of the document, please do so within five days of receipt of this letter. If you have any questions, please contact Ashley Hatcher, Staff Attorney, at ashley.hatcher@ky.gov.

Sincerely,

Linda C. Bridwell

Linda C. Bridwell, PE
Executive Director

Attachment

Kentucky KWA Waterways Alliance
Healthy waterways.
Healthy communities.

330 N. Hubbards Lane
Louisville, KY 40207

(502) 589-8008

Working to Protect, Restore, and Celebrate Kentucky's Waterways

www.KWAlliance.org

August 4, 2024

Linda Bridwell, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: Public Comment on Behalf of Kentucky Waterways Alliance

In The Matter Of: ELECTRONIC APPLICATION OF LOUISVILLE GAS AND ELECTRIC COMPANY AND KENTUCKY UTILITIES COMPANY FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND SITE COMPATIBILITY CERTIFICATES, Case No. 2025-00045

This comment is submitted on behalf of Kentucky Waterways Alliance (KWA), a member supported nonprofit with over 30 years of public service working across the Commonwealth to protect, restore and celebrate Kentucky's rivers, lakes, streams, and water resources.

Today, we are urging the Commission to reject the proposed approval of two new gas-fired power plants being built to meet unsubstantiated economic load growth demands for high load factor, energy-intensive data centers. This proposal raises serious concerns for environmental responsibility, ratepayer fairness, and long-term risk to Kentucky households.

KWA expresses our deep concern about the continued development of fossil fuel infrastructure at industrial-scale and its impact on Kentucky waterways. As stewards of Kentucky's water resources, we have a vested interest in ensuring the Public Service Commission considers the full environmental cost of its decisions and protects the natural resources held in the public trust, not simply the financial bottom line of utility companies or private developers. More importantly, are the consideration of impacts on communities which live near these new generation stations, who are often the ones least able to advocate for themselves or absorb the financial impacts.

Until the environmental and health impacts on the surrounding communities are fully documented and understood, the Commission should halt this application.

KWA's second core concern is protecting rate payers from subsidizing energy development for the benefit of private, for-profit corporations. Especially for corporations situated outside the Commonwealth, with little or no vested interest in Kentucky residents or our natural resources. This concern is compounded considering this proposal precedes plans, applications, or enforceable commitments from entities to develop data centers in the proposed service area.

These new plants are not being proposed to meet an existing demonstrated need, nor a demonstrated need from everyday Kentuckians. In fact, the applicants' petition states non-economic development load demand will decrease over the same period. The applicants clearly state the sharp climb in energy demand is virtually all due to economic development for energy-intensive data centers.

KWA strongly urges the Commission to take steps to prevent excessive costs from being shifted to the general consumers. Other states are already taking steps to protect their ratepayers from exactly this scenario.

In Georgia, the Public Service Commission required that ratepayer-backed utilities prove the need for new generation before allowing new development tied to data center demand. In Virginia, after explosive growth in energy use from data centers, lawmakers and regulators began tightening cost recovery rules and pushing for data centers to bear the full cost of their own demand. In Minnesota, regulators recently denied a utility's proposal to recover costs for a new plant tied to crypto and data activity, clearly stating that speculative and high-consumption users should not create new risks or costs for residential and small business customers.

Further compounding our concern is the recent report that LG&E has decided not to retire the aging Mill Creek coal-fired plant or build the Cane Run battery storage facility, further signaling a long-term commitment to outdated infrastructure at a time when the costs and risks of delay are growing. If utilities are refusing to retire uneconomic plants and simultaneously building new ones for private clients, the question becomes: how is this serving the existing household ratepayer?

Kentucky should not fall behind. We urge the Commission to apply the same logic here. If these stations are for the benefit of private clients, they must be paid for by those clients and not socialized across households and communities that will not benefit and may, in fact, suffer increased bills and degraded water resources.

In short, our comments concern protecting the public trust. Kentuckians should not be asked to finance a private energy buildout. The Commission exists to ensure utilities act in the public interest. Handing a blank check to corporations at ratepayer expense is not in the public interest.

We urge you to deny this application or, at minimum, require any data center-related energy infrastructure to be financed entirely by the companies who require it; not the Kentucky families who don't.

Thank you for your time and your attention to this issue.

Sincerely,

Nick Hart, Director of Water Policy
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l'can
Louisville Climate Action Network

4 August 2025

Commissioners Hatton, Regan and Wood
Kentucky Public Service Commission (PSC)
211 Sower Boulevard
Frankfort, KY 40602-0615

RE: **Case No. 2025-00045** LG&E-KU CPCN

Dear Commissioners,

Louisville Climate Action Network (LCAN) is a non-profit educational and advocacy organization whose members, affiliates and clients nearly all are LG&E-KU commercial or residential customers. They include 63 community and faith-based organizations, for-profit businesses and educational institutions and more than 1,275 individual LCAN members who pay residential tariffs. LCAN submits these comments regarding Case No. 2025-00045 on their behalf, and on behalf of the many, many thousands of Metro Louisville residents and LG&E ratepayers with an expressed interest in transitioning to more efficient, clean sources of electricity and in reducing greenhouse gas emissions.

The Commission is well aware of exploding demand in America for artificial intelligence (AI); cloud-based computing and storage; and cryptocurrencies and other blockchain data innovations. LG&E-KU (the Companies) seek permission to construct 1.3 GW of new natural-gas powered generating capacity and to extend the life of existing coal-based generating capacity primarily to meet future demands for large-scale data centers it believes will be built within its service area. The cost of these improvements, which could exceed $3 billion, will be borne by ratepayers in the LGE-KU service area. In plain fact, this CPCN reaps plentiful benefits upon large profitable business ventures searching for massive amounts of electricity, while leaving ratepayers holding the bag for stranded resources if data-center and/or electrical growth does not occur as the Companies project.

We further contend that this CPCN is premature. There is not an immediate need to approve such a deeply flawed application, especially when it fails to adequately consider the needs, desires and economic interests ratepayers, which we also will address below.

Additionally, we contend that the Companies' analysis supporting this CPCN is fatally flawed regarding its projection of the number of data centers that will be built in the service area. Those flaws extend to its projections of additional generating capacity required to meet the projected electrical demand. The Companies have failed to consider rapidly changing

Louisville Climate Action Network
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computer and software technology, rendering inaccurate forecasts for future generating capacity demand. All of these issues will be discussed later in these comments.

We, therefore, respectfully request the commissioners to DENY the current CPCN in its entirety. The Companies have not produced evidence of a single hyperscale data center contract within the service area. Furthermore, we ask the Companies to withdraw the current application and resubmit a new CPCN if they can provide a more rigorous, complete analysis that:

1. Accounts for pending regulatory, technological and political changes that could limit the number and size of data centers and the corresponding electrical demand
2. Revise their analysis of the means for increasing electrical generating capacity that accounts for both economic and life-cycle efficiency, accounts for public health concerns and for the democratically enacted sustainable energy goals of the two largest metropolitan jurisdictions within their service area.
3. Consider additional options, such as demand-side management and other design elements that would benefit ratepayers while still allowing the Companies to earn a rate of return.

Overstatement of Projected Data Center Growth

The Companies have correctly pointed out the growth of demand for the services provided by large-scale data centers in the United States, but it has incorrectly analyzed how that growth will translate locally to data-center proliferation within this service area. The Companies have not assessed whether or not citizens within its service are willing to welcome these kinds of data centers or allow them to be built to the anticipated scale, or at all. A front-page story in the Washington Post as recently as Sunday, July 25, 2025, details the increasing utility rates and mounting frustrations of citizens around the nation directly attributable to the location of large-scale data centers in their communities. Electricity rates in Ohio and elsewhere rise due to AI and cloud computing - The Washington Post describes residential ratepayers whose monthly bills jumped from $10/mo. to $27/mo.!

Closer to home, and more directly germane to this discussion, are current events in Oldham County, within the LG&E-KU service area. Oldham County Fiscal Court, acceding to public demand, last month blocked the development of a large-scale data center and enacted a six-month moratorium on any future development until it has had time to develop regulations and restrictions on their location and construction. Similarly, in Louisville, there is growing opposition by citizens to the development of a hyper-scale data center proposed for Southwest Jefferson County. There have been calls by citizens for the Metro Louisville Council to adopt a moratorium on construction of such facilities until it has studied and implemented adequate regulations and restrictions on large-scale data center construction.

The Companies have not considered how potential new regulations might reduce the development of large-scale data centers in its service area. Moreover, the Companies cannot accurately make those projections at this time, because potential regulations and restrictions are still pending.

Regardless of potential new regulations and legal restrictions, there's indisputable evidence of mounting political opposition to the siting of such large-scale data centers in the LG&E-KU service area. The Companies' projections of robust data center growth in the service area relies too heavily on national growth statistics and on laws passed by the Ky. State Legislature in 2024 and 2025 that provide tax incentives to developers of large-scale data centers that locate within the state. The latter bill was hundreds of pages long; will those legislators pull back the reins now that they are hearing an uproar from their constituents?

The Companies conclude that national demand combined with the Kentucky incentives will accelerate data center proliferation within its service area. But the Companies fail to factor the real and demonstrated fact that ratepayers and citizens are becoming increasingly aware of the pitfalls and myriad of potential harms that may befall them as a result of locating data centers near them. And political pressure from this popular awareness will likely serve to chill new development.

Common sense dictates that the Companies' failure to factor into its projections all of the above has resulted in an obvious overstatement of projected data center growth in the LG&E-KU Service area. That overstatement impeaches the Companies' projection of additional generating capacity required to fuel anticipated data center growth.

Failure to factor improvements in data-center processing efficiency

In the engineering world, a power plant is assumed to be in use for at least 40 years.

In calculating its projections for generating capacity additions required to power data-center growth in its service area, the Companies have relied on energy supply required by current technology computer servers and equipment. For example, the recently withdrawn proposal for a large-scale data center in Oldham County was projected to require 600 MW of continuous power.

And a current proposal for the SW Jefferson County hyper-scale data center is projected to consume 500 MW or more of continuous power when it is fully built out. While these eye-popping numbers certainly captured the attention of the Companies, they cannot be used to project the electrical demands of future data centers, using future technology.

Recently, Amazon Web Services, a major provider of cloud computing services, announced that its latest large-scale data center will be equipped with servers that utilize a newly designed processor chip that requires much less power and is easier to cool than those that would be used in facilities using other contemporary technology. The pace of improvement in computer technology indicates that computer technology will become smaller, use less electricity and generate less heat, year-after-year-after-year.

An accurate analysis of life-cycle costs of new generating capacity to power projected data center growth should factor in projected data-storage hardware and software efficiency improvements to be realistic. It appears the Companies didn't do so in their proposal.

Failure to factor community requirements for sustainable power

In February 2020, Louisville Metro Council officially adopted a set of sustainable energy goals through Resolution No. R-102-19. Key Targets in the Resolution include:

- 100% clean renewable electricity for Metro Government operations by 2030
- 100% clean energy for Metro Government operations by 2035
- 100% clean energy community-wide by 2040

To adequately serve its ratepayers, the Companies are beholden to consider ratepayers' democratically adopted goals and desires, such as Metro Louisville Resolution R-102-19. Yet this Certificate of Public Convenience and Necessity application, if adopted, would render impossible Metro Louisville's goal of becoming a 100% clean energy community by 2040. Similar clean energy goals in Lexington also are ignored. While it's not the responsibility of a public utility to adopt the same goals as every community in its service area, the utility certainly has an obligation to consider democratically enacted community goals into any analysis it makes for a CPCN.

The new hyper-scale data center being built in Jeffersonville, Indiana, just across the river from Louisville will be powered by 100% renewable energy, supported by the developer's investments in new renewable energy projects. In other communities, data centers use geothermal wells for cool water to cool their equipment. Developers of proposed large data centers in Oldham County and in Louisville have made no such commitments. Moreover, these two projects arose so quickly that they caught the communities where they intended to locate ill-prepared to deal with all of the issues associated with their development. In Oldham County, local government issued a moratorium on any new data center development until new regulations could be studied and implemented. There are calls to Metro councilmembers in Louisville to adopt a similar moratorium.

In this application, the Companies propose adding only 100 percent fossil-fuel powered generating capacity . In their haste to make this application, the Companies neglected to fully investigate the life-cycle costs and the advantages and disadvantages of meeting some or all of its anticipated capacity growth through the employment of available renewable-energy sources such as solar and/or wind power with battery backup, geothermal or hydro- power. While it may claim that it has performed an analysis that rules these sources of energy out, it has not undertaken a recent, open-bid RFP analysis of the above-mentioned renewable power sources to determine their true cost and time-to-completion compared to the natural gas and coal-powered options it seeks to develop.

Logical Rationale for Commissioners to Deny this Application

The Kentucky Public Service Commission has a unique responsibility to balance the interests of the regulated utility and of ratepayers. The PSC must simultaneously serve the public interest by ensuring an adequate and dependable source of electricity in the service area, at the lowest overall cost, while affording the utility an opportunity to earn a profit on its capital investments. We acknowledge that this is not an easy task.

However, in this case we believe it to be self-evident the Companies have rushed this CPCN for consideration without fairly balancing the interests between its current ratepayers and those who seek to develop and build large-scale data centers in the LG&E-KU service area. In almost every instance throughout this application, the Companies have given higher priority to the interests of **potential** future data center development than it has to protecting **current** and future interests of its existing ratepayers.

In the city of Columbus, Ohio utility regulators recently approved special rules in a rate case brought by American Electric Power that can put data-center developers on the hook for additional costs to ratepayers. Data centers "pose a different type of risk, as well as an increased amount of risk," said the Public Utilities Commission of Ohio in its 5-0 decision.

We have shown serious, and we believe fatal, flaws in much of the analysis the Companies have provided the commission to justify approval of this CPCN. If the PSC were to approve this application, developers of future hyper-scale data centers would reap the reward of plentiful power capacity for huge, profitable business ventures. But existing ratepayers would bear nearly all the risk of possible stranded assets if data-center growth does not occur as projected, or if electrical demand does not grow as projected.

Moreover, approval of this application would thwart the clear and demonstrated desire of a large segment of ratepayers who have indicated their preference through their local government to adopt more sustainable forms of energy.

Under this proposed CPCN, current ratepayers would be asked to assume an unfair burden of risk, while potential data center developers would enjoy a preponderance of the benefits. The PSC has the duty and responsibility to adjudicate this CPCN fairly. We contend that by denying this application the PSC protects the ratepayers from the real possibility of economic harm, while not significantly harming the availability of their electric supply. At the same time, by denying this application, it's hard to argue that LG&E-KU, or data-center developers are seriously or permanently harmed.

We acknowledge and fully agree that LG&E-KU must sooner rather than later propose a new CPCN to meet future growth, whether that growth is driven by data centers, other economic development or for other consumer-driven reasons, such as electric cars.

We see no imminent or long-term harm to the Companies or to the ratepayers in denying this instance. Instead, we would encourage LG&E-KU to sharpen their pencils and draft a new CPCN that adequately addresses the issues we have noted, above, and that does a better job of balancing risks and benefits of existing and potential future energy users.

We believe that working together with its ratepayers, economic development interests and public interest groups such as LCAN, LG&E can draft a new CPCN that will provide the necessary resources and capacity to meet all of our communities' required needs and provide for a healthy, prosperous and energy-secure future for us all.

Cooperatively,

Sarah Lynn Cunningham, PE, Executive Director,
Louisville Climate Action Network

PUBLIC SERVICE COMMISSION

August 4, 2025

I have a confession: I am afraid--Afraid we are on the edge of disaster—a disaster of our own making. What, I've been wondering, can I possibly say today that might make a difference—What can I say that might prevent construction of a new gas-fired power plant, or extension of the life of an old coal plant? Why, I wonder, are we even considering investment in new fossil fuel infrastructure when we need to be disengaging from fossil fuels as rapidly as possible? **FF are our past—not our future—not if we want a livable planet**.

When Jesus was crucified on the cross, he said, "Father, forgive them for they know not what they do." But we here today cannot say to God or to our children and grandchildren, "Forgive us, because we did not know what we were doing." We know fires, floods, droughts, heat waves, all are more frequent and severe as we continue to burn FF. We have no right to ask forgiveness. We are fossil fools who are digging our own graves. What will it take to bring us to our senses???

I appeal to you, the **PUBLIC** Service Commission: Always put the **public** interest first. You are not the **Private** Service commission, here to do the bidding of private, for-profit entities, be they utility companies or private enterprises such as data centers. If data centers or such want to come to Ky., then let them come so long as they **supply their own power**. They can install solar panels, use geothermal or hydro, add battery storage, do whatever it takes **at their expense** without burdening us ordinary ratepayers with increased charges for new fossil fuel infrastructure. **If the public doesn't share the profit, why should we bear the expense?** (And, by the way, if companies generate their power on site, we'll have fewer miles of massive power lines slicing up our land.)

When you ask the key question: What is in the public interest? I submit that Renewable energy wins out over fossil fuels every time if you Consider 3 Ps: **People, Planet, Price.**

Renewables are better for **People**—No particulate matter from burning coal—particulate matter that contributes to COPD, asthma, etc., no gas to potentially cause explosions or carbon monoxide poisoning, no mercury discharged into air and water...

Renewables are better for the **Planet**: They don't accelerate global warming.

Price: REnewables are almost always cheaper, you can't put a meter on the sun. Plus, renewables cause fewer disasters that endanger lives and cost billions in destruction.

So I appeal to you, the PUBLIC—not the PRIVATE Service Commission—hold onto a better vision for tomorrow. Commit to **No New Fossil Fuel Infrastructure.** Make a better choice today for better tomorrows for us all. Refuse to add new FF to the climate fire

Margaret Stewart

COMMENTARY

By Henry Jackson

KY ratepayers shouldn't bear burden of hasty plan to build new power plants

LG&E/KU have asked the Kentucky Public Service Commission to approve construction of two new natural gas power plants, a utility-scale battery, and upgrades to a coal plant, at a cost to ratepayers of $3.7 billion.

However, there's a fly in the ointment. The utilities claim they need these new power plants to serve hoped-for new AI data centers, but there is no assurance they will ever materialize.

With or without these data centers, the huge price tag for these new power plants would fall to ratepayers and almost certainly result in future rate increases.

Instead of approving these new plants, the PSC should press for a more responsible energy strategy. The first priority should be greatly expanding the utilities' energy efficiency programs, to reduce the need for new power plants while lowering customer bills. This is widely recognized as the lowest-cost way to meet growing energy demand. This should include supporting customer investments in rooftop solar, battery storage, and other technologies that can be managed as a "virtual power plant."

Second, LG&E/KU should renew the multiple solar power agreements previously approved by the Commission, but which the utilities cancelled in the past year. Third, data centers' rate structures should require these massive facilities to use on-site renewable energy, battery storage, and flexible load tariffs; requiring the data centers to ramp down demand at times of peak load, to protect regular customers from black-outs during heat waves.

LG&E/KU forecasts that data center development will increase their load by 1,750 megawatts by 2032, a 30% increase above current generation. By one estimate, this would consume as much energy as all LG&E/KU residential customers combined! And if these data centers don't materialize, these new gas plants could become stranded assets. But customers would still be on the hook for the next 40 years, paying off massive investments no longer needed.

More importantly, these proposed fossil fuel plants ignore a fundamental challenge, the accelerating climate crisis and how to best transition to a more resilient and affordable energy system.

The Commission should consider this wider context and the risks that the climate crisis poses for the commonwealth. One way to do this would be for the PSC to open a case to investigate the multifaceted risks of climate change in the context of Kentucky's power system and how that appraisal should shape future decision-making.

Such an investigation would finally acknowledge this overarching issue in making all decisions about energy production. Indeed, all government decisions at this point should ask, how does this decision affect our ability to cope with accelerating climate change?

In the present case, the Commission should protect ratepayers by sending the proposers back to the drawing board to develop plans to transition to a more resilient and efficient energy system. The PSC welcomes public comments prior to and/or at their public hearing August 4. Comments can be emailed to: psc.comment@ky.gov, case number 2025-00045.

In the risk of accelerating extreme weather, the younger you are the more you have at stake. But rest assured that for our children and grandchildren the stakes couldn't be higher.

Henry Jackson is a retired LFUCG strategic planning manager and member of the Sierra Club Bluegrass Climate Action Team.

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