

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY AND LOUISVILLE GAS)	CASE NO.
AND ELECTRIC COMPANY FOR CERTIFICATES)	2025-00045
OF PUBLIC CONVENIENCE AND NECESSITY)	
AND SITE COMPATIBILITY CERTIFICATES)	

ORDER

This matter arises upon the motion of Kentucky Industrial Utility Customers, Inc. (KIUC), filed on March 14, 2025, requesting the Commission grant it full intervention. As a basis for its motion, KIUC stated that several of its members including AAK, USA K2, LLC, Alliance Coal, LLC, Carbide Industries LLC, Corning Incorporated, Dow Silicones Corporation, Ford Motor Company, JBSSA USA Swift, North American Stainless and Toyota Motor Manufacturing, Kentucky, Inc. are served by Kentucky Utilities Company (KU) and Louisville Gas and Electric (LG&E) (jointly, LG&E/KU), and its interest cannot be adequately represented by an existing party.¹ KIUC further asserted that the change in generation sources will fundamentally change the nature, cost of energy, and capacity provided to KIUC members, who are large, energy-intensive industrial customers.² KIUC argued that its special interest cannot be represented by the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney

¹ KIUC's motion for intervention (filed Mar. 14, 2025) at 2.

² KIUC's motion for intervention at 2.

General); the other current intervenor in this case.³ KIUC stated that the Attorney General is statutorily charged with representing the interests of “consumers” pursuant to KRS 367.150(8), and that duty relates primarily to residential customers.⁴ KIUC further stated that its interest is exclusively related to large industrial customers, who take service on different rate schedules than residential customers.⁵ In addition, KIUC stated that it would assist the Commission without unduly complicating the proceedings.⁶

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 intervention in this matter on March 7, 2025. With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.⁷

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.

³ KIUC’s motion for intervention at 2–3.

⁴ KIUC’s motion for intervention at 2–3.

⁵ KIUC’s motion for intervention at 2–3.

⁶ KIUC’s motion for intervention at 2–3.

⁷ KRS 164.2807.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that KIUC has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented. Additionally, KIUC is likely to present issues or develop facts that will assist the Commission in considering this matter without undue complication the proceedings, and therefore, KIUC's motion should be granted for the reasons discussed below.

The Commission concludes that KIUC has a special interest in this case because LG&E/KU's requests for CPCNs for new generation and site compatibility certificates, if approved, would have an impact on the rates of KIUC's industrial members. Further, because KIUC members take service on different customer classes than residential customers, and whose interests may therefore be in conflict with residential customers, the interests of KIUC's industrial members are not otherwise uniquely represented in this proceeding. In addition, KIUC could present issues and develop facts regarding effect on industrial customers' rates for discovery purposes and could assist in the development of the case record.

Based on the above, the Commission finds that KIUC should be granted full rights of a party in this proceeding. The Commission directs KIUC to the Commission's July 22, 2021, Order in Case No. 2020-000854 regarding filings with the Commission.

IT IS THEREFORE ORDERED that:

1. KIUC's March 14, 2025 motion to intervene is granted.

2. KIUC 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. KIUC 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. KIUC shall adhere to the procedural schedule set forth in the Commission's January 6, 2023 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, KIUC shall file a written statement with the Commission that:

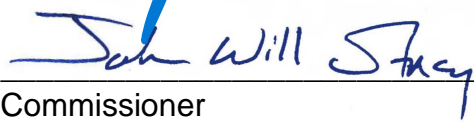
a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

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

PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director

ENTERED
MAR 28 2025 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

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