

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

This matter arises upon the motion of the Sierra Club, filed March 21, 2025, for full intervention. As a basis for its motion, Sierra Club stated that it has a special interest in these proceedings not otherwise adequately represented and that they will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

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.¹

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

¹ KRS 164.2807.

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.

MOTION

Sierra Club stated that it moved to intervene in this proceeding on behalf of itself and its members who live and purchase utility services in Kentucky, many of whom are residential customers of Louisville Gas and Electric and Kentucky Utilities Company (jointly, LG&E/KU). Sierra Club is a national, nonprofit environmental and conservation organization.² Sierra Club has approximately 2.1 million members and supporters across its sixty-four chapters, covering all 50 states, the District of Columbia, and Puerto Rico.³ More than 4,900 Kentuckians belong to Sierra Club's Kentucky Chapter.⁴ Sierra Club's Kentucky address is: Sierra Club, Kentucky Chapter, P.O. Box 1368, Lexington, Kentucky 40588.⁵

Sierra Club argued that the Commission should grant Sierra Club full intervention because it is "likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings." Sierra Club stated that this proceeding involves complex questions regarding whether constructing two new gas-fired power plants, a battery project, and retrofitting an existing

² Sierra Club's Motion to Intervene (filed March 21, 2025) at 4.

³ Sierra Club's Motion to Intervene at 4.

⁴ Sierra Club's Motion to Intervene at 4.

⁵ Sierra Club's Motion to Intervene at 4.

coal-fired generation asset for possible load growth that has not materialized yet is a public convenience and necessity.⁶ Sierra Club argued that, as a party to the proceeding, it will ensure that the 2025 Certificate of Public Convenience and Necessity (CPCN) Load Forecast is robustly examined, and ensure that LG&E/KU considered appropriate suite of alternatives to its proposed generation resources.⁷

Sierra Club stated that it is seeking to present testimony regarding whether (1) the 2025 CPCN Load Forecast is reasonable and sufficient to justify almost \$4 billion in investment in new generation; (2) there are steps that the Commission can take to ensure that existing customers are not unduly burdened by possible, but still speculative, new customers; and (3) the generation resources proposed by the Companies might be wasteful duplication in light of the full range of alternatives, given the capital operating, and fuel costs of each proposed project.⁸

Sierra Club also argued that it has special interests that are not adequately represented.⁹ Sierra Club explained that it has members who are customers and ratepayers of LG&E/KU, who fund LG&E/KU's operations, and the Commission's decision about whether to grant the CPCNs for almost \$4 billion for the construction of its planned generation.¹⁰ In addition, Sierra Club stated that its members live within the LG&E/KU

⁶ Sierra Club's Motion to Intervene at 6–7.

⁷ Sierra Club's Motion to Intervene at 7.

⁸ Sierra Club's Motion to Intervene at 8–9.

⁹ Sierra Club's Motion to Intervene at 10.

¹⁰ Sierra Club's Motion to Intervene at 10.

service territory and, therefore, are impacted by the economic, public health, and environmental effects of the resource decisions that LG&E/KU makes.¹¹

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Sierra Club has demonstrated that it 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.

Sierra Club 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, which is sufficient because only one requirement of 807 KAR 5:001, Section 4(11), must be met. Sierra Club has expertise that will assist the Commission in analyzing LG&E/KU's selected generation resources. Sierra Club should abide by the procedural schedule, motion deadlines, and any other Orders of the Commission. In addition, the failure to follow the instructions laid out in the Commission's Orders will be viewed as unduly complicating proceedings. Should any *pro hac vice* motions be filed in this matter, the Commission will fully expect the sponsoring attorney to be present or appropriately and timely file a motion addressing the issue.

Based on the above, the Commission finds that Sierra Club should be granted full rights of a party in this proceeding. The Commission directs Sierra Club to the Commission's July 22, 2021 Order in Case No. 2020-00085¹² regarding filings with the Commission.

¹¹ Sierra Club's Motion to Intervene at 10.

¹² 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

IT IS HEREBY ORDERED that:

1. Sierra Club's motion to intervene is granted.
2. Sierra Club 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. Sierra Club 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. Sierra Club shall adhere to the procedural schedule set forth in the Commission's March 13, 2025 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, Sierra Club 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.

March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

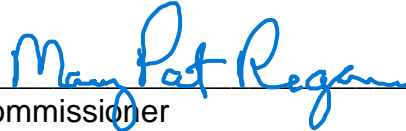
PUBLIC SERVICE COMMISSION

Chairman



Commissioner

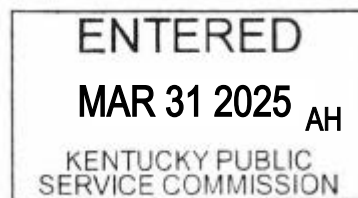
Commissioner



ATTEST:


Executive Director

RP



*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KY 40507

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

*Ashley Wilmes
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

*Nathaniel Shoaff
Sierra Club
2101
Webster St. , Suite 1300
Oakland, CA 94612

*Honorable Allyson K Sturgeon
Vice President and Deputy General Counsel-
LG&E and KU Energy LLC
220 West Main Street
Louisville, KY 40202

*Joe F. Childers
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KY 40507

*Rick E Lovekamp
Manager - Regulatory Affairs
LG&E and KU Energy LLC
220 West Main Street
Louisville, KY 40202

*Bethany Baxter
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KY 40507

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

*Robert Conroy
Vice President, State Regulation and Rates
LG&E and KU Energy LLC
220 West Main Street
Louisville, KY 40202

*Byron Gary
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

*Kristin Henry
Staff Attorney
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CA 94612

*Rebecca C. Price
Sturgill, Turner, Barker & Moloney
155 East Main Street
Lexington, KY 40507

*Honorable W. Duncan Crosby III
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KY 40202-2828

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Kentucky Utilities Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Thomas J FitzGerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

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

*Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Sara Judd
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KY 40202

*Tolad Lacy
Office of the Attorney General
700 Capital Avenue
Frankfort, KY 40601

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KY 40507