

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 the Southern Renewable Energy Association (SREA), filed March 21, 2025, for full intervention. As a basis for its motion, SREA stated that it has a special interest in these proceedings not otherwise adequately represented and it 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 person to set forth in the motion to intervene either (1) a special interest in the proceeding

¹ KRS 164.2807.

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.

BACKGROUND

SREA stated that its purposes include, among other things, promoting the responsible use and development of wind energy, solar energy, energy storage, and transmission solutions in the South, including Kentucky.² SREA stated it has an interest in providing the most up-to-date publicly available market information regarding battery energy storage system (BESS) and renewable energy resource availability, pricing, performance, and forecasting in dockets concerning the integrated resource planning and subsequent resource procurement efforts of electric utilities.³

SREA argued it has a special interest in this proceeding which is not otherwise adequately represented by any party in this case. SREA stated that it has an interest in promoting the responsible development of wind energy, solar energy, energy storage, and transmission solutions in the South, including Kentucky.⁴ SREA also has an interest in supporting competitive procurement processes to test market assumptions and implement integrated resource plans (IRP), including requests for proposals of renewable energy and energy storage systems.⁵

² SREA's Motion to Intervene (filed March 21, 2025) at 2.

³ SREA's Motion to Intervene at 2.

⁴ SREA's Motion to Intervene at 3.

⁵ SREA's Motion to Intervene at 3.

SREA's motion stated its members are actively developing renewable energy and storage projects in Kentucky.⁶ SREA's intent is to provide the most up-to-date publicly available market information regarding BESS and renewable energy resource availability, pricing, performance, and forecasting.⁷ SREA stated its intent is to enable the Commission to accurately and adequately evaluate Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company's (KU) (jointly, LG&E/KU) proposed natural gas combined cycle (NGCC) and BESS facilities, as well as to accurately and adequately evaluate utility-scale renewable energy resources as alternatives for comparison with LG&E/KU's proposed resource additions.⁸

SREA stated that it will dedicate funding for this proceeding and seeks to continue its provisions of quantitative analysis in presenting issues and developing facts that will assist the Commission in developing a complete record in the instant case, wholly consistent with 807 KAR 5:001, Section 4(11)(a).⁹ SREA stated that LG&E/KU's proposals should be subject to robust testing and informed commentary.¹⁰

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that SREA 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.

⁶ SREA's Motion to Intervene at 3.

⁷ SREA's Motion to Intervene at 3.

⁸ SREA's Motion to Intervene at 3–4.

⁹ SREA's Motion to Intervene at 5.

¹⁰ SREA's Motion to Intervene at 5.

SREA 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. SREA is a current participant in Case No. 2024-00326¹¹ which has been incorporated into the record of this case.¹²

The Commission does have concerns that SREA did not specify which members this case would directly impact. Therefore, in future motions, SREA should state with specificity which Kentucky members are affected by the application proposals. SREA should abide by the procedural schedule, motion deadlines, and any other Orders or 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 SREA should be granted full rights of a party in this proceeding. The Commission directs SREA to the Commission's July 22, 2021 Order in Case No. 2020-00085¹³ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. SREA's motion to intervene is granted.

¹¹ Case No. 2024-00326, *Electronic 2024 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*.

¹² Order (Ky. PSC March 13, 2025) at 3.

¹³ 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).

2. SREA 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. SREA 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. SREA 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, SREA 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:

 *RP*

Executive Director

ENTERED
MAR 31 2025 AH
KENTUCKY PUBLIC
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