

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

On May 14, 2025,<sup>1</sup> Alfred Brown filed a motion requesting to intervene in Case No. 2025-00105,<sup>2</sup> which was consolidated into the record of this proceeding on May 14, 2025.<sup>3</sup> As a basis for his motion, Mr. Brown stated that he is a customer of Kentucky Utilities Company (KU) and expressed concern regarding KU's proposal to construct a \$152.3 million facility to reduce nitrogen oxide (NOx) emissions and pass the costs on to its customers.<sup>4</sup> Additionally, Mr. Brown expressed concern that altering the amount of ozone in the atmosphere could create safety issues and should only be done with a great amount of study and deliberation.<sup>5</sup>

On May 19, 2025, Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) (jointly, LG&E/KU) filed a response to Mr. Brown's motion,

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<sup>1</sup> Alfred Brown's Motion to Intervene (Motion) (filed May 14, 2025).

<sup>2</sup> Case No. 2025-00105, *Electronic Application of Kentucky Utilities Company for Approval of its 2025 Compliance Plan for Recovery by Environmental Surcharge*.

<sup>3</sup> Case No. 2025-00105, May 14, 2025 Order.

<sup>4</sup> Motion.

<sup>5</sup> Motion.

objecting to his participation as an intervening party.<sup>6</sup> In its objection, LG&E/KU provided two reasons for its opposition to Mr. Brown's participation as an intervenor. LG&E/KU argued that Mr. Brown does not demonstrate a special interest in the proceeding because his stated interest is common to all customers and is adequately represented by other parties.<sup>7</sup> In support of its arguments, LG&E/KU, cited to several prior Orders denying intervention to other persons based on similar grounds.<sup>8</sup> Additionally, LG&E/KU stated that Mr. Brown did not identify any issues or develop facts that will assist the Commission in resolving this matter without unduly complicating and disrupting the proceeding.<sup>9</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 intervention in this proceeding on March 7, 2025.<sup>10</sup> With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.<sup>11</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

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<sup>6</sup> LG&E/KU's Objection to Request for Intervention (Objection) (filed May 19, 2025).

<sup>7</sup> Objection.

<sup>8</sup> Objection at 2.

<sup>9</sup> Objection at 3–4.

<sup>10</sup> Order (Ky. PSC Mar. 7, 2025).

<sup>11</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

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.<sup>12</sup>

### DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Mr. Brown has failed to demonstrate that he has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that he 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.

As the Commission has held in the past, the Attorney General, as an intervenor in this matter, will represent the interest of the customers of LG&E/KU.<sup>13</sup> As noted in at least

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<sup>12</sup> 807 KAR 5:001, Section 4(11).

<sup>13</sup> Case No. 2024-00346, *Electronic Application of Delta Natural Gas Company, Inc. for an Adjustment of Gas Rates*, Order (Ky. PSC Jan 8, 2025) (denying customer David Smith's request for intervention); Case No. 2020-00349, *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit* (Ky. PSC Jan. 12, 2021), Order (denying three customers' requests for intervention); Case No. 2009-00198, *Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Aug. 28, 2009), Order (denying intervention to customer Tammy Stewart on ground she lacked a special interest meriting intervention, as well as expertise that would assist the Commission); Case No. 2009-00174, *Application of Kentucky Utilities Company for an Order Approving the Establishment of a Regulatory Asset* (Ky. PSC June 26, 2009), Order (denying Rep. Jim Stewart's Motion to Intervene because he had neither a special interest in the proceeding nor was he likely to assist the Commission to render a decision); Case No. 2007-00337 *Joint Application of Louisville Gas and Electric Company, Association of Community Ministries, Inc., People Organized and Working for Energy Reform, and Kentucky Association for Community Action, Inc. for the Establishment of a Home Energy Assistance Program* (Ky. PSC Sept. 14, 2007), Order ("[H]old[ing] a particular position on issues pending in ... [a] case does not create the requisite 'special interest' to justify full intervention under 807 KAR 5:001, Section 3(8)(b)."). Case No. 2012-00221, *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, (Ky. PSC Aug. 9, 2012), Order (denying customer Bruce Nunn's request for intervention); Case No. 2012-00221, *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates* (Ky. PSC Aug. 9, 2012) (denying customer Michael Whipple's request for intervention); Case No. 2009-00548, *Application of Kentucky Utilities Company for an Adjustment of Base Rates* (Ky. PSC June 2, 2010), Order

one prior Order, the Attorney General “has consistently intervened on behalf of ratepayers in proceedings . . . and the Attorney General is sufficiently knowledgeable about issues of ratemaking and rate design.”<sup>14</sup> Mr. Brown does not assert anything unique or a separate special interest beyond that of a ratepayer in his motion.

In addition, the Commission notes that Mr. Brown did not present any information that would be indicative of his ability to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceeding. Mr. Brown noted his opinion on the construction proposed by KU and his concern that the project will result in a rate increase to customers but does not allege any experience or expertise that would allow for the Commission to grant intervention pursuant to 807 KAR 5:001, Section 4(11).

Mr. Brown will have an opportunity to participate in this proceeding even though he is not granted intervenor status. Mr. Brown can review all public documents filed in this case and monitor the proceedings via the Commission’s website under View Case Filings for: 2025-00045. In addition, Mr. Brown may file public comments during the pendency of the case, and those comments will be entered into the record of this case. Written comments may be submitted by email to [psc.comment@ky.gov](mailto:psc.comment@ky.gov). Any email with a public comment should include the case number and provide a person’s full name and place of residence in the body of the e-mail. Mr. Brown will be served a copy of this Order

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(denying customer Geoffrey M. Young’s request for intervention); Case No. 2003-00433, *An Adjustment of the Electric Rates, Terms, and Conditions of Louisville Gas and Electric Company* (Ky. PSC Jan. 21, 2004), Order (denying customer Robert L. Madison’s request for intervention).

<sup>14</sup> Case No. 2007-00565, *Application of Kentucky Utilities Company to File Depreciation Study* and Case No. 2008-00251, *Application of Kentucky Utilities Company for an Adjustment Of Electric Base Rates* (Ky. PSC Dec. 5, 2008), Order at 5.

so that he is aware of his opportunities to participate in this matter as a member of the public and ratepayer of LG&E/KU.

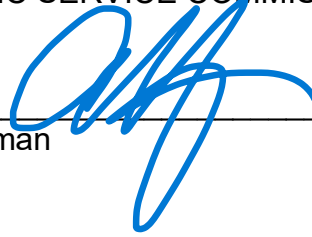
IT IS THEREFORE ORDERED that:

1. Mr. Brown's motion to intervene is denied.
2. This Order shall be mailed through the U.S. Postal Service first-class mail and be sent by certified mail, return receipt requested, to Mr. Brown at 323 Maryland Ave. Winchester, Kentucky 40391.

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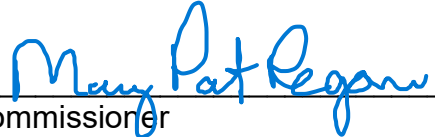
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Chairman



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