

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| 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 July 29, 2025, Southern Renewable Energy Association (SREA) filed a motion requesting that its witness, Benjamin Smith, to be allowed to testify at the hearing scheduled to begin on August 4, 2025, on Wednesday, August 6, 2025, or Thursday August 7, 2025.¹ As a basis for the motion, SREA stated that Mr. Smith has other commitments and scheduling concerns including a meeting in another jurisdiction scheduled for August 8, 2025.² SREA argued that it is reasonable to assert that presenting him for examination during this timeframe will not be disruptive or place an undue burden upon another party including a scenario in which Mr. Smith is presented prior to the conclusion of the case in chief for Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) (jointly, LG&E/KU).³

On July 30, 2025, the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General) and Kentucky Industrial Utilities

¹SREA's Motion for Relief Concerning SREA Witness Availability (SREA's Motion) (filed July 29, 2025).

² SREA's Motion at 1.

³ SREA's Motion at 2.

Customers (KIUC) filed a motion requesting to excuse their witnesses, Lane Kollen and Leah Wellborn.⁴ The Attorney General and KIUC stated that on July 29, 2025, the LG&E/KU filed a Stipulation and Recommendation in the record, which was signed by and fully supported by the Attorney General and KIUC, among others.⁵ The Attorney General and KIUC stated that LG&E/KU have confirmed, by counsel, that they do not oppose this motion.⁶

On July 30, 2025, the Kentucky Coal Association (KCA) filed a motion requesting to excuse its witness, Emily Medine.⁷ KCA stated that, on July 29, 2025, the LG&E/KU filed a Stipulation and Recommendation in the record, which was signed by and fully supported by KCA, among others.⁸ KCA stated that LG&E/KU have confirmed, by counsel, that they do not oppose this Motion.⁹

On July 30, 2025, Sierra Club filed a motion requesting witnesses Stacy Sherwood, Chelsea Hotaling, and Jeremy Fisher provide testimony on Tuesday, August 5, 2025.¹⁰ As a basis for the motion, Sierra Club stated that all three witnesses will be traveling to

⁴ Motion to Excuse Witnesses of the Attorney General and KIUC (Attorney General/KIUC's Motion) (filed July 30, 2025).

⁵ Attorney General/KIUC's Motion.

⁶ Attorney General/KIUC's Motion.

⁷ KCA's Motion to Excuse KCA Witness Emily Medine (KCA's Motion) (filed July 30, 2025).

⁸ KCA's Motion.

⁹ KCA's Motion.

¹⁰ Sierra Club's Motion for Relief Regarding Witness Availability (Sierra Club's Motion) (filed July 30, 2025).

Frankfort for the hearing from out of state, and each has previously scheduled work obligations beginning Wednesday, August 6, 2025.¹¹

On July 31, 2025, LG&E/KU filed a response to Sierra Club's motion.¹² LG&E/KU argued that as the parties with the burden of proof in this proceeding, and consistent with the Kentucky Rules of Civil Procedure and the Commission's long-standing practice, should be able to present their evidence first and without interruption at the hearing in this proceeding.¹³ LG&E/KU argued that potentially halting LG&E/KU's presentation of evidence midstream to allow three Sierra Club witnesses to testify out of order would indeed complicate and disrupt the hearing.¹⁴ LG&E/KU stated they take no position on the order of intervenor witnesses following the presentation of the Companies' witnesses.¹⁵ LG&E/KU also argued that Sierra Club's motion was filed out of time.¹⁶

On July 31, 2025, Sierra Club filed a reply to LG&E/KU's response.¹⁷ Sierra Club stated that it does not oppose LG&E/KU's position that they should be permitted to present their witnesses "first and without interruption at the hearing in this proceeding" and conceded that point.¹⁸ Sierra Club argued that providing a date certain for out-of-

¹¹ Sierra Club's Motion.

¹² Joint Response of LG&E/KU to Sierra Club's Motion (LG&E/KU's Response) (filed July 31, 2025).

¹³ LG&E/KU's Response at 1.

¹⁴ LG&E/KU's Response at 2.

¹⁵ LG&E/KU's Response at 2.

¹⁶ LG&E/KU's Response at 2.

¹⁷ Sierra Club's Reply in Support of Motion for Relief Regarding Witness Available and Response to Motions of Certain Parties to Excuse Witnesses or For Dates Certain (Sierra Club's Reply) (filed July 31, 2025).

¹⁸ Sierra Club's Reply at 1.

state witness is a common courtesy provided to such witnesses to allow them to scheduled their travel efficiently and meet other professional commitments, while having minimal impact on any other party to this proceeding and does not unduly complicate or disrupt the proceedings.¹⁹ Sierra Club stated it does not oppose the motion to excuses witnesses of the Attorney General, KIUC, or KCA.²⁰ Sierra Club stated it does not oppose the motion of SREA that seeks a date certain for SREA's witnesses.²¹

Having considered the motions and being otherwise sufficiently advised, the Commission finds that SREA's July 29, 2025 motion; the Attorney General and KIUC's June 30, 2025 motion; KCA's June 30, 2025 motion; and Sierra Club's motion should be denied. The hearing will begin on Monday August 4, 2025, and, if necessary, reconvene on Wednesday August 6, 2025. No proceedings will be held for this case on Tuesday, August 5, 2025. The Commission cannot provide a date certain for any witnesses in the proceeding. Furthermore, the Commission expects all intervening witnesses to participate in the proceedings to allow all parties the opportunity to cross-examine these witnesses. The Commission further finds that Benjamin Smith, Lane Kollen, Leah Wellborn, Emily Medine, Stacy Sherwood, Chelsea Hotaling, and Jeremy Fisher are authorized to appear virtually at the hearing before the Commission.

IT IS THEREFORE ORDERED that:

1. SREA's July 29, 2025 motion is denied.
2. The Attorney General and KIUC's July 30, 2025 motion is denied.

¹⁹ Sierra Club's Reply at 1-2.

²⁰ Sierra Club's Reply at 2.

²¹ Sierra Club's Reply at 2.

3. KCA's July 30, 2025 motion is denied.
4. Sierra Club's July 30, 2025 motion is denied.
5. Benjamin Smith, Lane Kollen, Leah Wellborn, Emily Medine, Stacy Sherwood, Chelsea Hotaling, and Jeremy Fisher are authorized to appear virtually at the hearing before the Commission.
6. Commission Staff shall contact participants with instructions on participating remotely.

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PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



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