

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR APPROVAL OF (1) A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO MAKE THE CAPITAL)	
INVESTMENTS NECESSARY TO CONTINUE)	
TAKING CAPACITY AND ENERGY FROM THE)	CASE NO.
MITCHELL GENERATING STATION AFTER)	2025-00175
DECEMBER 31, 2028, (2) AN AMENDED)	
ENVIRONMENTAL COMPLIANCE PLAN, (3))	
REVISED ENVIRONMENTAL SURCHARGE)	
TARIFF SHEETS, AND (4) ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

ORDER

This matter arises upon the motion of Kentucky Industrial Utility Customers, Inc. (KIUC), filed on June 9, 2025, for full intervention. As a basis for its motion, KIUC stated that it has a special interest that cannot be adequately represented by any existing party. KIUC claimed that it represents the industrial viewpoint on energy and utility issues before this Commission, and identified a KIUC member, Catlettsburg Refining LLC, a subsidiary of Marathon Petroleum LP (Marathon Petroleum), that is a Kentucky Power customer and will participate herein. KIUC also argued that 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, having participated in over 100 cases with the Commission.

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 has requested and been granted intervention in this matter. With limited exceptions, 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 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.

DISCUSSION AND FINDINGS

Based on a review of the record 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 and that KIUC 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.

KIUC's member, Marathon Petroleum, is an industrial customer that takes service from Kentucky Power under a different rate schedule than residential customers and other customer classes. While the Attorney General does represent the interest of all

¹ KRS 164.2807.

customers, it is not always possible to represent every customer class on every issue, because the interests of customers that take service under different rate schedules may diverge (e.g., new or additional costs may affect their rates differently). Further, industrial customers often have unique service requirements that could require specialized knowledge of potentially proprietary processes to adequately protect. KIUC also has a long history of being an active participant in matters before the Commission in which it has assisted in developing the record, including in cases in which Kentucky Power's and other utilities' resource decisions have been at issue.

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. 2020-00085² regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. KIUC's 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 August 1, 2025 Order, as amended by subsequent orders.

² 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).

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.

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PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:

 RP
Executive Director



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