

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF NUCLEAR)	CASE NO.
ENERGY, GENERATION, STORAGE, AND)	2025-00186
RELATED MATTERS)	

ORDER

The Commission establishes this proceeding to create an opportunity for stakeholders in the Commonwealth to discuss and investigate concerns and potential areas of opportunity involving nuclear energy. To adequately facilitate this investigation, the Commission is making all regulated electricity generating utilities party to this investigation. Utilities seeking to participate jointly are directed to file a statement in this case indicating their intent. All filings in this matter must be made by attorneys licensed to practice law in the Commonwealth of Kentucky or be granted pro hac vice admittance pursuant to Kentucky Supreme Court Rule 3.030(2). Other interested parties do not need to be granted intervention to file comments, but any filings made in the case must be, pursuant to 807 KAR 5:001, Section 4(3)(b), “verified or under oath.” Parties seeking to participate in this investigation will be required to request intervention pursuant to 807 KAR 5:001, Section 4(11). 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).

In 2017, the Kentucky General Assembly (the Legislature or General Assembly) amended KRS 278.600 and KRS 278.610¹ lifting the Commonwealth's moratorium on constructing new nuclear power facilities. Thereafter, during the 2023 Regular Session, the Legislature adopted Senate Joint Resolution 79, which directed the formation of a working group of state officials and industry representatives to advise the General Assembly regarding a permanent nuclear energy commission with the mission of "education, coordination of resources, and professional expertise necessary to foster the development of the nuclear industry in the Commonwealth"² The resulting working group, the Nuclear Energy Development Working Group, submitted a report to the Governor and the Kentucky Legislative Research Commission which recommended the establishing the Kentucky Nuclear Energy Development Authority (KNEDA).³ Following the report, the Legislature formed KNEDA to serve as the "nonregulatory, trusted state government agency on nuclear energy issues and to support and facilitate the development of the nuclear energy ecosystem across the Commonwealth."⁴

Finally, citing the growing interest in developing nuclear energy in the Commonwealth, the General Assembly, during the 2024 Regular session, adopted Senate Joint Resolution 140, directing the Public Service Commission to make "all staffing, organizational, and administrative preparations necessary to be ready to discharge its regulatory duties relating to applications for the siting and construction of

¹ Additionally, Senate Bill 11, which amended both KRS 278.600 and KRS 278.610 also repealed KRS 278.605, titled *Construction prohibited until means for disposal of high-level nuclear waste approved by United States government; exceptions for nuclear-based technologies*.

² Senate Joint Resolution 140, April 4, 2024.

³ Senate Joint Resolution 140, April 4, 2024.

⁴ Senate Joint Resolution 140, April 4, 2024.

nuclear energy facilities in the Commonwealth.”⁵ The General Assembly further resolved that the Public Service Commission, along with any other tasks it feels necessary, should

1. Conduct a “survey of nuclear regulatory staff in other states to determine their pay, experience, and qualifications so that the [C]ommission can make informed decisions on the recruitment and hiring of its own nuclear regulatory staff”; and

2. Contract “with personnel with expertise in nuclear regulatory matters to be available immediately to assist with the administration of nuclear siting or construction applications.”

3. Provide “for the training of existing [C]ommission staff on nuclear siting and construction issues.”

4. Amend “the administrative regulations promulgated by the [C]ommission pursuant to KRS Chapter 13A to require that electric utilities consider the costs and benefits of all generation resources, including but not limited to nuclear power generation resources, when determining how to meet future demand as part of the triennial integrated resource plans that they are required to file with the commission”; and

5. Review and, if necessary, amend “all other administrative regulations promulgated by the Commission pursuant to KRS Chapter 13A to ensure that they do not contain any provisions that would impede the [C]ommission from effectively regulating nuclear facilities or obstruct the development of the nuclear ecosystem in the Commonwealth.”

The Commission opens this proceeding to assemble all regulated electric generating utilities as well as all other interested parties to identify and discuss pertinent

⁵ Senate Joint Resolution 140, April 4, 2024.

issues involving the construction, operation, and funding of potential nuclear electric generating facilities. At a minimum, parties should consider the impact of the Commission's existing regulations and rules as well as utilities' tariffs on all aspects of the potential siting and operation of future nuclear facilities in the Commonwealth. Consideration should also be given by interested parties or affiliates with experience with the potential siting, operation and funding of nuclear facilities to any lessons learned.

As an initial step, the Commission intends to schedule an informal conference which may be attended personally or virtually. To inform the agenda for this informal conference, the Commission requests that interested parties file a short list of topics which the parties believe to be relevant and wish to address during the informal conference. All initial comments must be filed on or before July 11, 2025. Commission staff will lead the informal conference. The Commission anticipates that additional informal conferences will be necessary, which will be scheduled by public notice issued by Commission Staff. The Commission also anticipates the need for a multi-day technical conference discussing the future of implementing nuclear generation in Kentucky to be tentatively held in the first half of 2026.

Finally, this administrative proceeding would be incomplete without the voices of Kentuckians throughout the various communities of the Commonwealth. While the Commission always encourages interested citizens to give public comments, the potential impact nuclear generation and storage could have on any given community will be particularly significant. Therefore, the Commission finds that it is necessary and in the public interest to convene throughout the Commonwealth specifically for the purpose of inviting public comments from as many communities as practicable. The Commission will

establish the dates, times, and locations for these public comment hearings by separate Order.

Based on the foregoing discussion, the Commission finds that:

1. This proceeding should be opened to investigate and address issues relating to nuclear energy, generation, storage, and other related matters.

2. All electricity generating utilities shall be made parties to this case. The utilities may participate jointly upon written notice to the Commission.

3. An informal conference will be scheduled by separate Order.

4. No later than July 11, 2025, utilities that are parties to this proceeding and all other interested persons should file a short list of issues to be discussed at the informal conference.

5. The Commission, no later than August 1, 2025, will issue an agenda for the informal conference.

6. Parties and other participants who plan to attend the informal conference should, no later than August 22, 2025, contact the Commission through its psced@ky.gov email address to indicate whether they will appear in person or by video.

IT IS THEREFORE ORDERED that:

1. This proceeding is opened to investigate issues relating to nuclear energy.

2. All electric generating utilities are made parties to this proceeding.

3. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the

Commission's July 22, 2021, Order in Case No. 2020-00085⁶ regarding filings with the Commission.

4. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding that is not adequately represented in the case, or (2) that the person requesting permissive 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. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

5. Any motion to intervene filed after the date established in this Order, or as modified by a subsequent Order or Procedural Schedule, shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

6. No later than July 11, 2025, utilities that are parties to this proceeding and all other interested persons shall file a short list of issues to be discussed at the informal conference.

⁶ 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).

7. An agenda for the first informal conference will be issued no later August 1, 2025.

8. Parties and other participants who plan to attend the informal conference shall, no later than August 22, 2025, contact the Commission through its psced@ky.gov email address.

9. All filings submitted by parties, whether granted formal intervention or not, must be verified or under oath pursuant to 807 KAR 5:001, Section 4(3)(b).

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PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Linda Bridwell RP

Executive Director



Case No. 2025-00186

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