

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR (1) APPROVAL OF)	
CONTINUATION OF ITS DEMAND-SIDE)	
MANAGEMENT PROGRAMS; (2) AUTHORITY)	
TO RECOVER COSTS AND NET LOST)	
REVENUES, AND TO RECEIVE INCENTIVES)	CASE NO.
ASSOCIATED WITH THE IMPLEMENTATION OF)	2025-00365
ITS DEMAND-SIDE MANAGEMENT PROGRAMS;)	
(3) ACCEPTANCE OF ITS ANNUAL DSM)	
STATUS REPORT; AND (4) ALL OTHER)	
REQUIRED APPROVAL AND RELIEF)	

ORDER

This matter arises upon the motion of the Appalachian Citizens' Law Center and Mountain Association (Joint Movants), filed January 7, 2026, for full intervention. As a basis for their motion, Joint Movants stated that each movant has a special interest not adequately represented in the case. Mountain Association stated that it develops energy programs to benefit residents of eastern Kentucky and Central Appalachia and has directly worked with customers attempting to obtain an energy audit or rebate through the new programs.¹ Appalachian Citizens' Law Center noted that it focuses on energy affordability and sustainability in the same region.² Furthermore, Joint Movants noted that they were permitted to intervene in several other Kentucky Power Company (Kentucky Power) cases of varying types, including the last Demand-Side Management

¹ Joint Movants' Motion for Full Intervention (Motion) (filed Jan. 7, 2026) at unnumbered page 8.

² Motion at unnumbered page 7.

proceeding, and were previously able to present issues and develop facts that they maintain assisted the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.³

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). With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.⁴

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 pleadings at issue and being otherwise sufficiently advised, the Commission finds that Joint Movants have demonstrated that they are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings due to their areas of involvement and their knowledge of and participation in previous and varied Kentucky Power cases. Joint Movants have shown they can assist the Commission in fully

³ Motion at unnumbered pages 8-9.

⁴ KRS 164.2807.

considering the matter and by combining resources and functions have been able to minimize complicating or disrupting those cases by reducing duplication of tasks through coordinated representation.

The Commission notes that permission to intervene in a case does not guarantee intervention in future cases, and parties should continue to identify the specific reason for intervention in each motion that the respective party files requesting intervention.

Based on the above, the Commission finds that Joint Movants should be granted full rights of a party in this proceeding. The Commission directs Joint Intervenors to the Commission's July 22, 2021 Order in Case No. 2020-00085⁵ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Joint Movants' motion to intervene is granted.
2. Joint Intervenors are 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. Joint Intervenors 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. Joint Intervenors shall adhere to the procedural schedule set forth in the Commission's December 8, 2025 Order and as amended by subsequent Orders.

⁵ 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, Joint Intervenors 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:


Executive Director



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