

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF BIG RIVERS	)	
ELECTRIC CORPORATION OF A RETAIL	)	CASE NO.
ELECTRIC SERVICE AGREEMENT WITH	)	2026-00115
JUSTIFIED DATAPOWER LLC, A SUBSIDIARY	)	
OF TERAWULF INC.	)	

ORDER

This matter arises upon the separate motions of Kenergy Corp. (Kenergy)<sup>1</sup> and Justified DataPower LLC, a subsidiary of TeraWulf Inc. (TeraWulf)<sup>2</sup> (collectively, Movants), filed May 20, 2026, requesting full intervention in this proceeding.

In support of its motion, TeraWulf stated that it is a party to the proposed Retail Electric Service Agreement (RESA) that is the subject of this proceeding and will own and operate the facility contemplated by the RESA.<sup>3</sup> TeraWulf further stated that the proceeding will directly affect its contractual rights, financial investments, and operational responsibilities under the RESA.<sup>4</sup>

Kenergy stated that it is also a party to the RESA and participated directly in the contract negotiations.<sup>5</sup> Kenergy asserted that the terms of RESA directly impact its

---

<sup>1</sup> Kenergy's Motion to Intervene (filed May 20, 2026).

<sup>2</sup> TeraWulf's Motion to Intervene (filed May 20, 2026).

<sup>3</sup> TeraWulf's Motion to Intervene at 1.

<sup>4</sup> TeraWulf's Motion to Intervene at 1.

<sup>5</sup> Kenergy's Motion to Intervene at 2.

operations and membership, and that it can assist the Commission in considering issues related to distribution cooperative operations and implementation of the RESA.<sup>6</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 by Order dated May 15, 2026.<sup>7</sup> With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.<sup>8</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 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 Movants have demonstrated that they have a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented. Although it is not necessary as the Movants have satisfied one prong of the Commission regulation, the Commission finds that Movants are likely to

---

<sup>6</sup> Kenergy's Motion to Intervene at 2.

<sup>7</sup> Order (Ky. PSC, May 15, 2026).

<sup>8</sup> KRS 164.2807.

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.

The Commission finds that TeraWulf has a special interest in this proceeding because it is a party to the proposed RESA at issue in this matter and is the entity that will own and operate the contemplated facility. The Commission further finds that the outcome of this proceeding may directly affect TeraWulf's contractual rights, financial investments, and operational responsibilities under the RESA. Additionally, TeraWulf is likely to present facts and perspectives regarding the development, ownership, operation, and implementation of the proposed facility that will assist the Commission in evaluating the proposed agreement.

The Commission further finds that Kenergy has demonstrated a special interest in this proceeding because it is also a party to the proposed RESA and participated directly in negotiating the agreement. The Commission finds that Kenergy is likely to present facts and issues related to distribution cooperative operations, implementation of the RESA, and the operational and financial impacts of the agreement on Kenergy and its membership that will assist the Commission in fully considering the matter.

Based on the above, the Commission finds that Movants should be granted full rights of a party in this proceeding. The Commission directs Movants to the Commission's July 22, 2021, Order in Case No. 2020-00085<sup>9</sup> regarding filings with the Commission.

---

<sup>9</sup> 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).

IT IS HEREBY ORDERED that:

1. Kenergy's motion to intervene is granted.
2. TeraWulf's motion to intervene is granted.
3. Movants 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.
4. Movants 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.
5. Movants shall adhere to the procedural schedule set forth in the Commission's May 12, 2026, Order and as amended by subsequent Orders.
6. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Movants 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.

Entered on this 8th day of June, 2026.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Angie Hatton  
Chair

  
\_\_\_\_\_  
Mary Pat Regan  
Commissioner

  
\_\_\_\_\_  
Andrew W. Wood  
Commissioner

  
\_\_\_\_\_  
Barry L. Mayfield  
Commissioner

ATTEST:

  
\_\_\_\_\_  
Linda C. Bridwell, PE  
Executive Director

## Service List for 2026-00115

\* Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Office of Rate Intervention  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\* Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\* John G Horne, II  
Office of the Attorney General Office of Rate Intervention  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\* Honorable Kurt J Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\* Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate Intervention  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\* Michael West  
Office of the Attorney General Office of Rate Intervention  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\* Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\* Denotes served by Email

\* Nicholas D. Kafer  
Kenergy Corp.  
6402 Old Corydon Road  
P. O. Box 18  
Henderson, KY 42419

\* Big Rivers Electric Corporation  
710 West 2nd Street  
P. O. Box 20015  
Owensboro, KY 42304

\* Senthia Santana  
Big Rivers Electric Corporation  
710 West 2nd Street  
P. O. Box 20015  
Owensboro, KY 42304

\* Toland Lacy  
Office of the Attorney General  
700 Capital Avenue  
Frankfort, KY 40601

\* Tyson Kamuf  
Corporate Attorney  
Big Rivers Electric Corporation  
710 West 2nd Street  
P. O. Box 20015  
Owensboro, KY 42304