

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. TO)	CASE NO.
ESTABLISH A NEW TARIFF FOR DATA CENTER)	2025-00140
POWER)	

ORDER

This matter arises upon the motion of Nucor Steel Gallatin (Nucor), filed May 28, 2025, for full intervention. As a basis for its motion, Nucor stated that it has special interest because it is a large industrial customer of East Kentucky Power Cooperative, Inc. (EKPC), which takes service on a different rate schedule than residential customers. Nucor is the largest end-use electrical customer in the Owen Electric Cooperative (Owen Electric) service territory.¹ Nucor also asserted that it would present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.² Specifically, Nucor stated EKPC's proposed data center tariff is a complicated, precedent setting filing which if not approved could adversely affect the rates paid by all end use customers served by EKPC, including Nucor.³ Nucor is the largest single user on the EKPC system and is one of the largest

¹ Motion to Intervene of Nucor (Motion to Intervene) (filed May 28, 2025) at 1.

² Motion to Intervene at 2.

³ Motion to Intervene at 2.

users of electricity in the United States.⁴ Nucor stated that it will be a helpful and active participant should its intervention request be granted.⁵

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.⁶

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 sufficient advised, the Commission finds that Nucor has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that Nucor 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.

⁴ Motion to Intervene at 2.

⁵ Motion to Intervene at 2.

⁶ KRS 164.2807.

Nucor satisfies the special interest prong set forth in 807 KAR 5:001, Section 4(11) in that it is the largest end-use electric customer located in the Owen Electric service territory and takes service on a different rate schedule than residential customers. The construction of the new resources will, in all likelihood, significantly and directly affect the demand and energy charges paid by Nucor.

Additionally, it appears that Nucor's intervention will assist the Commission in further presenting issues and developing facts in this matter, as well as tariff analysis and evaluation, without unduly complicating the proceedings.

Based on the above, the Commission finds that Nucor should be granted full rights of a party in this proceeding. The Commission directs Nucor to the Commission's July 22, 2021 Order in Case No. 2020-00085⁷ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Nucor's motion to intervene is granted.
2. Nucor 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. Nucor 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. Nucor shall adhere to the procedural schedule set forth in the Commission's May 23, 2025 Order and as amended by subsequent Orders.

⁷ 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, Nucor 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

Vice Chairman



Commissioner

ATTEST:



Executive Director



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