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Subject: Proposed Data Center Regulations -- Feedback from LG&E/KU
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Jeff,

Good morning. I wanted to follow-up with you and provide additional feedback from LG&E/KU on the latest Louisville Metro proposed data center regulations. Please find our comments below.

The draft regulation expressly encompasses utility substations and imposes location requirements on such substations. The ordinance should exclude utility-owned substations as set forth in KRS 100.324, which excepts public utilities regulated by the Public Service Commission from having to receive the approval of planning units for the location of their service facilities.

The draft ordinance also requires applicants to provide information regarding projected electricity demand and utility studies and agreements. Although the current draft appears limited to requesting information regarding the applicant's expected consumption and confirmation that the applicant is coordinating with the necessary utility, the final ordinance should not regulate, condition, or restrict the operation, planning, or service obligations of jurisdictional electric utilities, which matters Kentucky law assigns to the Kentucky Public Service Commission pursuant to KRS 278.040(8). Accordingly, Louisville may regulate traditional land-use impacts of a data-center site, but it should avoid imposing requirements or approval conditions that regulate or interfere with PSC-jurisdictional utility facilities, electric service, interconnections, or other energy-related operations.

Feel free to reach out if you have any questions or wish to discuss these comments further. I know these proposed regulations have kept you and your team busy this year and we appreciate the work you've done.

Best regards,

Caroline

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