

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES	)	CASE NO.
COMPANY FOR AN ADJUSTMENT OF ITS	)	2012-00221
ELECTRIC RATES	)	

O R D E R

On July 23, 2012, Michael Whipple (“Petitioner”) filed a letter, which will be treated as a petition, requesting authorization to intervene in this case. Petitioner states that: (1) the rate application filed by Kentucky Utilities Company (“KU”) gives no consideration to gas prices being at a record low at this time; and (2) the rate increase is due to “overhead,” but KU has provided no details to their customers. Petitioner does not state that he is a customer of KU, and he has an address in Louisville, Kentucky, which is not within KU’s service territory. On July 27, 2012, KU filed a response objecting to Petitioner’s request to intervene.

The only person with a statutory right to intervene is the Attorney General (“AG”), pursuant to KRS 367.150(8)(b). That statute authorizes the AG to participate “on behalf of consumer interests.” The AG petitioned for full intervenor status in this case, noting in his motion that KRS 367.150(8) “grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky to represent consumers’ interests.”<sup>1</sup> The AG’s petition was granted by the Commission’s Order

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<sup>1</sup> AG’s Motion to Intervene at 1.

dated June 27, 2012. Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>2</sup>

In exercising our discretion to determine permissive intervention, there are both statutory and regulatory limitations on the Commission. The statutory limitation, KRS 278.040(2), requires that “the person seeking intervention must have an interest in the ‘rates’ or ‘service’ of a utility, since those are the only two subjects under the jurisdiction of the PSC.”<sup>3</sup> The regulatory limitation is set forth in 807 KAR 5:001, Section 3(8). That regulation requires a person seeking intervention to file a request in writing which “shall specify his interest in the proceeding.”<sup>4</sup> That regulation further provides that:

If the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by party is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention.<sup>5</sup>

It is under these statutory and regulatory criteria that the Commission reviews a motion for permissive intervention.

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<sup>2</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

<sup>3</sup> *EnviroPower, LLC v. Public Service Comm’n*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007).

<sup>4</sup> 807 KAR 5:001, Section 3(8)(b).

<sup>5</sup> *Id.*

Based on a review of Petitioner's request, the Commission finds that he does not have an address within KU's service territory, he does not state that he is a customer of KU, and he does not state any interest in KU's rates. In addition, Petitioner has not shown that he is likely to present issues or to develop facts that will assist the Commission in resolving this matter. Because the requisites of KRS 278.040(2) and 807 KAR 5:001, Section 3(8), have not been satisfied, the Commission will deny Petitioner's request for intervention.

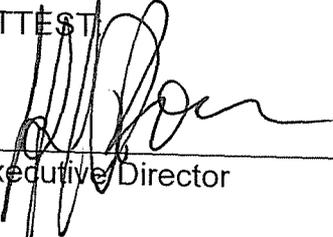
Petitioner will have ample opportunity to participate in this proceeding even though he has not been granted intervenor status. Petitioner can review all documents filed in this electronic case and monitor the proceedings via the Commission's website at the following web address: <http://psc.ky.gov/efs/efssearch.aspx?case=2012-00221>. Petitioner may also file comments as frequently as he chooses, and his comments will be entered into the record of this case. All members of the public also may be afforded an opportunity to address the Commission in person, either immediately prior to any evidentiary hearing in this matter or in any meetings the Commission schedules for the express purpose of receiving public comments.

IT IS THEREFORE ORDERED that Mr. Whipple's petition to intervene is denied.

By the Commission

ENTERED <sup>11</sup>  
AUG 09 2012  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST

  
\_\_\_\_\_  
Executive Director

Case No. 2012-00221

Honorable David J. Barberie  
Managing Attorney  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KENTUCKY 40507

Jody M Kyler  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

Lonnie Bellar  
Vice President, State Regulation & Rates  
Kentucky Utilities Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

Honorable Matthew R Malone  
Attorney at Law  
Hurt, Crosbie & May PLLC  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

Honorable Kurt J Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

Honorable William H May, III  
Attorney at Law  
Hurt, Crosbie & May PLLC  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

David Brown  
Stites & Harbison, PLLC  
1800 Providian Center  
400 West Market Street  
Louisville, KENTUCKY 40202

Honorable Kendrick R Riggs  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

Honorable Iris G Skidmore  
415 W. Main Street  
Suite 2  
Frankfort, KENTUCKY 40601

Honorable Dennis G Howard II  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

Jacob Walbourn  
Attorney  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KENTUCKY 40507

Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202