

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CONSIDERATION OF THE IMPLEMENTATION)	ADMINISTRATIVE
OF SMART GRID AND SMART METER)	CASE NO.
TECHNOLOGIES)	2012-00428

ORDER

On May 16, 2014, Petitioner, Susan Hedgecock, filed a letter requesting intervention in the instant matter. The Commission will treat this letter request as a motion to intervene. Petitioner asserts that she should “be allowed to opt out of the smart grid without penalty of any kind....”¹ Petitioner also requests that Fleming-Mason Energy Cooperative, Inc. (“Fleming-Mason”) be required to provide detailed information concerning the risks and benefits associated with smart metering so that Fleming Mason’s customers can make a well-informed decision on whether to utilize smart meters.

Based on the motion to intervene, and being otherwise sufficiently advised, the Commission finds that the only person that has a statutory right to intervene is the Attorney General, pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sound discretion of the Commission. In the unreported case of *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007), the Court of Appeals ruled that this Commission retains power in its discretion to grant or deny a motion for intervention but that discretion is not unlimited. The Court then enumerated the statutory and

¹ Petitioner’s May 16, 2014 Letter to Kentucky Public Service Commission.

regulatory limits on the Commission's discretion in ruling on motions for intervention. The statutory limitation, KRS 278.040(2), requires that the person seeking intervention have an interest in the rates or service of a utility, as those are the only two subjects under the jurisdiction of the Commission. The regulatory limitation of 807 KAR 5:001, Section 4(11), requires that a person demonstrate a special interest in the proceeding which is not otherwise adequately represented or that intervention is likely to present issues or develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Having reviewed Petitioner's motion and being otherwise sufficiently advised, the Commission finds that Petitioner has offered no evidence that she has a special interest in this proceeding. Petitioner's purported interest in the instant matter stems from her desire to be able to opt out of any "smart grid" that may be implemented by her electric utility provider, presumably Fleming-Mason.² Such a desire is not tantamount to a special interest, but rather is a general interest that she shares in common with other electric utility customers who object to smart meters. In addition, Petitioner has not shown that she is likely to present issues or develop facts that will assist the Commission in fully considering the matter at bar without unduly complicating or disrupting the proceedings. The Commission will note that the opt out issue will be one of the issues that we will consider in the instant proceeding.

² The Commission notes that Fleming-Mason was authorized in October 2012 to begin installing an Advanced Metering Infrastructure ("AMI") system over a 24-month period, including the acquisition and implementation of 23,700 Itron solid-state meters with factory installed Tantalus AMI modules. See, Case No. 2012-00361, *Application of Fleming-Mason Energy, Inc. for a Certificate of Public Convenience and Necessity to Install an Advanced Metering Infrastructure System (AMI)* (Ky. PSC Oct.11, 2012).

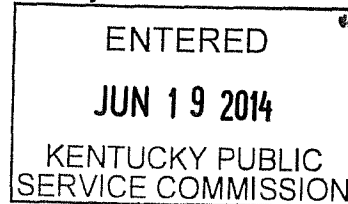
Petitioner will have ample opportunity to participate in this proceeding, even though she has not been granted intervenor status. Petitioner can review all documents filed in this case and monitor the proceedings via the Commission's website at the following web address:

[http://psc.ky.gov/Home/Library?type=Cases&folder=2012 cases/2012-00428](http://psc.ky.gov/Home/Library?type=Cases&folder=2012%20cases/2012-00428)

Petitioner may also file comments as frequently as she chooses, and those comments will be entered into the record of this case. In addition, Petitioner may contact the Attorney General of the Commonwealth of Kentucky, Office of Rate Intervention, which was granted intervention to represent consumers' interests in this proceeding by Commission Order entered October 23, 2012.

IT IS THEREFORE ORDERED that the motion to intervene is denied.

By the Commission



ATTEST:



Executive Director

Allen Anderson
President & CEO
South Kentucky R.E.C.C.
925-929 N Main Street
P. O. Box 910
Somerset, KY 42502-0910

Carol Ann Fraley
President & CEO
Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143

James L Jacobus
President & CEO
Inter-County Energy Cooperative Corporation
1009 Hustonville Road
P. O. Box 87
Danville, KY 40423-0087

John B Brown
Chief Financial Officer
Delta Natural Gas Company, Inc.
3617 Lexington Road
Winchester, KY 40391

Mark David Goss
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

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

Anthony S Campbell
President & CEO
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

Ted Hampton
Manager
Cumberland Valley Electric, Inc.
Highway 25E
P. O. Box 440
Gray, KY 40734

Mark Martin
VP Rates & Regulatory Affairs
Atmos Energy Corporation
3275 Highland Pointe Drive
Owensboro, KY 42303

Judy Cooper
Manager, Regulatory Services
Columbia Gas of Kentucky, Inc.
2001 Mercer Road
P. O. Box 14241
Lexington, KY 40512-4241

Jennifer Black Hans
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

Debbie J Martin
President & CEO
Shelby Energy Cooperative, Inc.
620 Old Finchville Road
Shelbyville, KY 40065

Rocco D'Ascenzo
Senior Counsel
Duke Energy Kentucky, Inc.
139 East Fourth Street
P. O. Box 960
Cincinnati, OH 45201

Roger Hickman
Regulatory Affairs Manager
Big Rivers Electric Corporation
201 Third Street
P. O. Box 24
Henderson, KY 42420

Burns E Mercer
President & CEO
Meade County R.E.C.C.
P. O. Box 489
Brandenburg, KY 40108-0489

Paul G Embs
President & CEO
Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

Larry Hicks
President & CEO
Salt River Electric Cooperative Corp.
111 West Brashear Avenue
P. O. Box 609
Bardstown, KY 40004

Michael L Miller
President & CEO
Nolin R.E.C.C.
411 Ring Road
Elizabethtown, KY 42701-6767

David Estep
President & General Manager
Big Sandy R.E.C.C.
504 11th Street
Paintsville, KY 41240-1422

Kerry K Howard
CEO
Licking Valley R.E.C.C.
P. O. Box 605
271 Main Street
West Liberty, KY 41472

Barry L Myers
Manager
Taylor County R.E.C.C.
625 West Main Street
P. O. Box 100
Campbellsville, KY 42719

G. Kelly Nuckols
President & CEO
Jackson Purchase Energy Corporation
2900 Irvin Cobb Drive
P. O. Box 4030
Paducah, KY 42002-4030

Gregory Starheim
President & CEO
Kenergy Corp.
6402 Old Carydon Road
P. O. Box 18
Henderson, KY 42419

Christopher S Perry
President & CEO
Fleming-Mason Energy Cooperative, Inc.
1449 Elizaville Road
P. O. Box 328
Flemingsburg, KY 41041

Ed Staton
VP - State Regulation and Rates
Kentucky Utilities Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202

Bill T Prather
President & CEO
Farmers R.E.C.C.
504 South Broadway
P. O. Box 1298
Glasgow, KY 42141-1298

Ed Staton
VP - State Regulation and Rates
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202

David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

Ranie Wohnhas
Managing Director, Reg & Finance
Kentucky Power Company
101 A Enterprise Drive
P. O. Box 5190
Frankfort, KY 40602

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

Carol Wright
President & CEO
Jackson Energy Cooperative Corporation
115 Jackson Energy Lane
McKee, KY 40447

Donald Smothers
Blue Grass Energy Cooperative Corp.
1201 Lexington Road
P. O. Box 990
Nicholasville, KY 40340-0990

Mark Stallons
President & CEO
Owen Electric Cooperative, Inc.
8205 Highway 127 North
P. O. Box 400
Owenton, KY 40359