

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION AND NOTICE OF CAMPBELL)	
COUNTY KENTUCKY WATER DISTRICT TO ADJUST)	CASE NO. 91-039
RATES EFFECTIVE MAY 1, 1991)	

O R D E R

City of Newport ("Newport") moved to intervene in this matter. Contending that this motion is untimely and that Newport had not cited the correct Commission regulation concerning intervention, Campbell County Kentucky Water District ("Campbell District") moved to dismiss Newport's motion or, in the alternative, for additional time to respond to Newport's motion.

Having considered Campbell District's motion and being otherwise sufficiently advised, the Commission finds that Campbell District's motion to dismiss should be denied. Commission Regulation 807 KAR 5:001, Section 1(3), specifies no time period in which a motion for intervention must be filed. These proceedings just recently began. The Commission can find no prejudice accruing to Campbell District by the timing of Newport's motion. Denial of Newport's motion on the basis of an improperly cited regulation,¹ furthermore, would elevate form over substance

¹ In its motion to intervene, Newport refers to Commission Regulation 807 KAR 5:001(8). No such regulation exists. Commission Regulation 807 KAR 5:001, Section 3(8), addresses intervention.

and would conflict with the Commission's historically liberal approach to intervention.

IT IS THEREFORE ORDERED that:

1. Campbell District's motion to dismiss is denied.
2. Campbell District shall have 10 days from the date of this Order to submit a response to Newport's motion to intervene.
3. Newport shall have five days from service of Campbell District's response to submit a reply to that response.

Done at Frankfort, Kentucky, this 15th day of May, 1991.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director