

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION AND NOTICE OF KENTON COUNTY)
WATER DISTRICT NO. 1: (A) TO ISSUE)
REVENUE BONDS IN THE APPROXIMATE PRINCIPAL)
AMOUNT OF \$16,160,000 (A PORTION FOR)
REFUNDING OF BOND ANTICIPATION NOTES);)
(B) TO CONSTRUCT ADDITIONAL PLANT) CASE NO. 91-046
FACILITIES OF APPROXIMATELY \$8,317,000;)
(C) NOTICE OF ADJUSTMENT OF RATES)
EFFECTIVE MAY 1, 1991; AND, (D) APPROVAL,)
IF NECESSARY, OF CONTINUING MISCELLANEOUS)
LONG-TERM INDEBTEDNESS)

O R D E R

The city of Newport ("Newport") moved for intervention. Kenton County Water District No. 1 ("Kenton District") has submitted a response in opposition. Newport subsequently replied to Kenton District's response.

After reviewing Newport's motion and being otherwise sufficiently advised, the Commission finds that:

1. Newport has a special interest in this proceeding.
2. No other party to this proceeding can adequately represent Newport's interest in this matter.
3. Newport's intervention is also likely to present issues and develop facts that will assist the Commission in fully considering Kenton District's application without unduly complicating or disrupting these proceedings.
4. The cases cited by Kenton District are not controlling on the issue of intervention. Inter-County RECC v. Pub. Serv.


Comm'n, Ky., 407 S.W.2d 127 (1966) was issued prior to major changes in the Commission's regulations pertaining to intervention. Satterwhite v. Pub. Serv. Comm'n, Ky., 474 S.W.2d 387 (1971) involved KRS 278.020(1), not the Commission's regulation on intervention. City of Georgetown v. Pub. Serv. Comm'n, Ky., 516 S.W.2d 843 (1974), does not limit Newport's right to intervene. The thrust of the Georgetown decision is that the Legislature intended to exempt municipal utilities from Commission jurisdiction, not strip municipalities of their ability to participate in a Commission proceeding.

IT IS THEREFORE ORDERED that:

1. Newport's motion to intervene is granted.
2. Newport shall be 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. Should Newport file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.

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

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director