

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADJUSTMENT OF GAS RATES OF	)	
THE UNION LIGHT, HEAT AND POWER	)	CASE NO. 2001-092
COMPANY	)	

ORDER

On August 6, 2001, the Commission issued an Order denying Stand Energy Corporation's ("SEC") request for full intervention in this proceeding. The Commission found that SEC had not met the regulatory requirement for full intervention. On August 24, 2001, SEC filed a motion for reconsideration of that Order. The Union Light, Heat & Power Company ("ULH&P") filed a response on September 7, 2001, stating that SEC's motion should be denied.

As stated in the previous order Commission Regulation 807 KAR 5:001, Section 3(8) governs intervention in Commission proceedings. It provides in part:

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.

Thus the regulation requires a person seeking to intervene to establish either (1) that he has "a special interest" in the proceeding, or (2) that intervention is likely to develop facts and issues which will assist the Commission without unduly complicating or disrupting the proceeding. SEC contends that it meets both requirements. The Commission finds that SEC's motion satisfies neither requirement.

SEC first states that it has an industrial natural gas customer that is currently served under ULH&P's Interruptible Transportation ("IT") tariff and that it seeks to protect the interests of this industrial customer. SEC asserts that its interest in representing its industrial customer is unique and thus that it has an interest in these proceedings that is not otherwise adequately represented. The Commission finds that the interest claimed by SEC is actually that of ULH&P's IT customer and that it cannot be asserted by SEC. The Commission further finds that the interest of all customers of ULH&P, including its IT customers, is adequately represented by the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention ("Attorney General"), who has intervened as a party for that purpose.

Secondly, SEC argues that its experience in the natural gas industry "gives it a unique perspective, both historically and looking forward towards further competition, which it can lend to the proceedings on behalf of its industrial customer and itself." It further states that it does not intend to unduly complicate or disrupt the proceedings. The Commission is not persuaded by these arguments.

First, the request is untimely. The application was originally submitted to the Commission on May 5, 2001. SEC did not seek intervention in this case until July 24, 2001 -- approximately 80 days after ULH&P gave notice and submitted the application. Granting intervention to SEC would require amending the procedural schedule to allow SEC adequate time to participate fully in the proceeding and thus would unduly disrupt and delay the case.

Second, SEC has failed to demonstrate how its general experience in the industry and its experience with Cincinnati Gas & Electric Company will assist the Commission in this matter.

IT IS THEREFORE ORDERED that SEC's motion for reconsideration is denied.

Done at Frankfort, Kentucky this 13<sup>th</sup> day of September, 2001.

By the Commission

ATTEST:

  
Executive Director