

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SHELBY ENERGY	)	
COOPERATIVE, INC. FOR AN ADJUSTMENT	)	CASE NO.
OF RATES	)	2009-00410

O R D E R

Pending before the Commission is a petition to intervene filed by Sara Jane Rankin ("Petitioner"). Petitioner states that she is a member and customer of Shelby Energy Cooperative, Inc. ("Shelby Energy") and she requests to be a party "in whatever capacity the Commission deems appropriate." The petition to intervene lists the following as areas of interest: employee bonuses; legal fees; office remodeling; use of contractors; and staffing levels; but sets forth no facts to indicate that any of Shelby Energy's expenditures are improper or excessive. Shelby Energy has filed a response objecting to Petitioner's request for intervention.

Based on the petition and being sufficiently advised, the Commission finds that the only person entitled to intervene as a matter of right is the Attorney General ("AG"), pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>1</sup>

In exercising its discretion to determine permissive intervention, the Commission follows its regulation, 807 KAR 5:001, Section 3(8). That regulation requires a person

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<sup>1</sup> Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky, 407 S.W.2d 127, 130 (Ky. 1996).

seeking intervention to file a request in writing which “shall specify his interest in the proceeding.” 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>2</sup>

It is under these statutory and regulatory criteria that the Commission reviews a motion to intervene.

In her request, Petitioner does not articulate a special interest in this proceeding, only a general interest that she shares in common with all other Shelby Energy customers. In addition, Petitioner has not shown that she is likely to present issues or to develop facts that will assist the Commission in resolving this matter. Shelby Energy’s rate application was tendered for filing on December 30, 2009, and newspaper notice was published inviting petitions to intervene to be filed within 30 days. A formal procedural schedule was established to process this case, including discovery and a hearing. Shelby Energy has responded to three rounds of data requests issued by Commission Staff, and the discovery phase of this case is over. The last remaining step is a hearing to be held on June 2, 2010. Because of the untimely nature of the petition to intervene, and the lack of satisfaction of the requirements of 807 KAR 5:001, Section 3(8), the Commission will deny Petitioner’s request for intervention.

Petitioner will have an opportunity to participate in this proceeding even though she has not been granted intervenor status. She can review all documents filed in this

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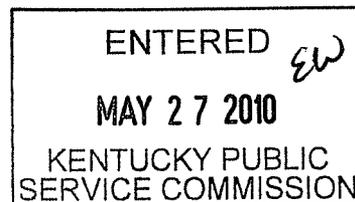
<sup>2</sup> 807 KAR 5:001, Section 3(8)(b).

case and monitor the proceedings via the Commission's website at the following web address: [http://psc.ky.gov/Home/Library?type=Cases&folder=2009 cases/2009-00410](http://psc.ky.gov/Home/Library?type=Cases&folder=2009%20cases/2009-00410).

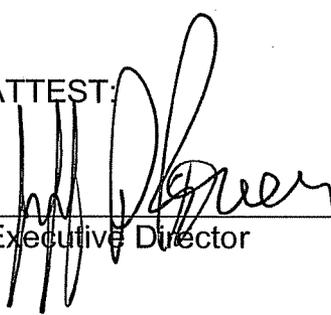
Petitioner may also file comments as frequently as she chooses, and those comments will be entered into the record of this case. Finally, Petitioner may also attend and present public comment at the hearing to be held at the Commission's offices on June 2, 2010.

IT IS THEREFORE ORDERED that Ms. Rankin's petition to intervene is denied.

By the Commission



ATTEST:

  
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Executive Director

Debbie Martin  
Shelby Energy Cooperative, Inc.  
620 Old Finchville Road  
Shelbyville, KY 40065