

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JEFF M. SHORT)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2013-00287
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

ORDER

On September 3, 2013, Joshua Bills filled a motion requesting intervention in this case. Mr. Bills asserts that he has specialized information regarding net-metering that will aid in the Commission’s understanding of the issues in this matter. He states that he is a former solar installer and has an extensive background as an energy specialist. Mr. Bills further states that he is currently employed by the nonprofit entity, Mountain Association for Community Economic Development and heads the Energy Efficient Enterprises program, which seeks to aid businesses in adopting the usage of renewable resources and energy-efficient equipment. Mr. Bills contends that his knowledge would assist the Commission in “grasping the full intent of net-metering legislation in Kentucky.”¹

In response, Kentucky Utilities Company (“KU”) argues against Mr. Bills’ intervention and contends that because Mr. Bills is not a KU customer, he does not have an interest in the rates or service of KU and, consequently, he does not have an

¹ Motion of Joshua Bills for Full Intervention.

interest in this proceeding. KU further argues that the issues raised by Mr. Bills are irrelevant to the legal interpretation of KU's net-metering and low-emission-vehicle tariff provisions. KU argues that issues related to solar energy installation and economic development are unrelated to this matter.

Based upon 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 *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007), the Kentucky Court of Appeals ruled that the Commission retains the discretion to grant or deny a motion for intervention, but that discretion is not unlimited. The Court enumerated the statutory and 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 to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings."²

Here, having reviewed Mr. Bills' motion and KU's response, the Commission finds no evidence that Mr. Bills is a KU customer. Consistent with prior Commission

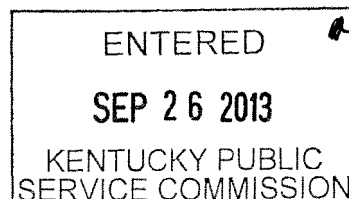
² *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007); 807 KAR 5:001 Section 4(11)(b).

precedent regarding intervention, Mr. Bills, therefore, does not have a vested or legitimate interest in its rates or its service.³ Moreover, the issues raised in the instant case relate to the application, and possibly the interpretation, of a section of KRS Chapter 278 and KU's tariff. Therefore, even if Mr. Bills were a KU customer, he still would have failed to demonstrate a special interest in the proceeding or to set forth facts that would assist the Commission in fully considering the specific issues raised in the complaint. Mr. Bills' employment and advocacy on behalf of certain economic interests, as well as his specialized knowledge and opinions regarding solar energy and net-metering, do not directly relate to the issues of statutory construction and tariff interpretation as raised in this matter.

Mr. Bills may, however, submit comments to the case file to be entered into the record, monitor the proceedings, and review all documents filed in this proceeding through the Commission's website.

IT IS THEREFORE ORDERED that the request of Mr. Joshua Bills for intervention is denied.

By the Commission



ATTEST:


Executive Director

³ See e.g., Case No. 2011-00162, *Application of Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Approval of its 2011 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC July 19, 2011); Case No. 2008-00248, *The 2008 Integrated Resource Plan of Duke Energy Kentucky, Inc.* (Ky. PSC Nov. 5, 2008).

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