

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	CASE NO.
UTILITIES COMPANY FOR AN ADJUSTMENT)	2018-00294
OF ITS ELECTRIC RATES)	

ORDER

Before the Commission are requests to intervene filed by Don Daugherty, Travis Goodin, Conrad Lanham, Teresa Miller, and Elizabeth Shannon (collectively, "Petitioners"). Ms. Miller requests intervention in this matter and in Case No. 2018-00295,¹ involving Louisville Gas and Electric Company's (LG&E) rate application. Petitioners state that they oppose the request from Kentucky Utilities Company (KU) to increase rates. KU has filed responses objecting to these intervention requests.

Having reviewed the requests for intervention and being otherwise sufficiently advised, the Commission finds that the only person entitled to intervene as a matter of right is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General petitioned for full intervenor status in this case, noting in his motion that KRS 367.150(8) "grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky to represent consumers' interests."² The Attorney General's

¹ Case No. 2018-00295, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates* (filed Sept. 28, 2018).

² Attorney General's Motion to Intervene at 1.

petition was granted by the Commission's Order dated October 15, 2018. Intervention by all others is permissive and is within the sound discretion of the Commission.³

In exercising its discretion to determine permissive intervention, the Commission follows its regulation, 807 KAR 5:001, Section 4(11). That regulation requires a person seeking intervention to file a request stating that person's interest in the proceeding. That regulation further provides that:

The commission shall grant a person leave to intervene if the commission finds that he has made a timely motion for intervention and that he has a special interest in the case that is not otherwise adequately represented or that his 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.⁴

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

The Commission finds that Petitioners do not articulate a special interest in this proceeding, only a general interest that they share in common with all other KU customers. In addition, Petitioners have not shown that they are likely to present issues or to develop facts that will assist the Commission in resolving this matter. Regarding Petitioners' status as utility customers of KU,⁵ the Commission finds that the Attorney General, pursuant to KRS 367.150(8), will duly represent the interests of all KU customers

³ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

⁴ 807 KAR 5:001, Section 4(11)(b).

⁵ We note that Ms. Miller also requested to intervene in Case No. 2018-00295, which involves LG&E rate application. Thus, Ms. Miller has failed to make a showing that she is a KU customer and her request for intervention is further denied for this reason.

in this matter. Because the requisites of 807 KAR 5:001, Section 3(8), have not been satisfied, the Commission will deny Petitioners' request for intervention.

Petitioners will have ample opportunity to participate in this even though they are not granted intervenor status. Petitioners can review all public documents filed in this case and monitor the proceedings via the Commission's website. In addition, Petitioners may file comments as frequently as they choose, and those comments will be entered into the record of this case. Finally, if a formal evidentiary hearing is held, Petitioners will be provided an opportunity to present any information that they wish for the Commission's consideration in this matter.

IT IS THEREFORE ORDERED that the petitions to intervene are denied.

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By the Commission

ENTERED
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