

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF UNION)	CASE NO.
COUNTY WATER DISTRICT FOR AN)	2022-00160
ALTERNATIVE RATE ADJUSTMENT)	

ORDER

On August 4, 2022, the city of Sturgis, Kentucky (Sturgis) tendered a motion requesting to intervene in this proceeding. There are no intervenors in this proceeding. According to the procedural schedule entered on July 22, 2022, the deadline to file a motion to intervene was August 4, 2022.

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case 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). Intervention by all others is permissive and is within the sole discretion of the Commission.¹

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Commission regulation 807 KAR 5:001, Section 7(4) states “(a) paper submitted by facsimile transmission shall not be accepted.”

PROCEDURAL BACKGROUND

This is the second motion to intervene tendered by Sturgis. On July 7, 2022, Sturgis elected officials tendered a letter requesting to intervene. By Order entered July 22, 2022, the Commission denying the request for failure to meet the legal standards for permissive intervention and because the request was not filed by an attorney licensed to practice law in Kentucky, which is required under 807 KAR 5:001, Section 4(4). The Commission afforded Sturgis the opportunity to refile its request to intervene in a timely manner to cure the filing deficiencies by: (1) filing a motion to intervene that established that Sturgis has a special interest in the case that is not otherwise adequately represented, or that its 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 pursuant to 807 KAR 5:001, Section 4(11); and (2) having all its filings and appearances before the Commission performed by an attorney licensed to practice to law in the Commonwealth of Kentucky, as required by 807 KAR 5:001, Section 4(4).

AUGUST 4, 2022 MOTION TO INTERVENE

On August 4, 2022, the Commission received a facsimile transmission (fax) of a written request for intervention from William Clint Prow, an attorney licensed to practice law in Kentucky.

In the motion, Sturgis stated that it has a special interest in this proceeding because Sturgis has a contractual agreement to purchase water from Union District. Sturgis maintained that a rate adjustment approved by the Commission would adversely affect the cost of water that Sturgis purchases from Union District. Sturgis filed a copy of the contract as an exhibit to the motion. Sturgis argued that no other party could adequately represent Sturgis's special interest as a wholesale customer of Union County Water District (Union District).

Sturgis argued that it would present issues and develop facts as outlined in the July 7, 2022 letter. Sturgis explained that it would present issues and develop facts regarding the impact of increased costs for Sturgis residents.

DISCUSSION AND FINDINGS

Based on a review of the motion and being otherwise sufficiently advised, the Commission finds that the motion must be denied because, as noted above, Commission regulations prohibit filing case records by facsimile transmission. However, the Commission will consider an untimely motion to intervene if Sturgis refiles its motion within three days of the date of service of this Order, using the prescribed electronic filing discussed below. Sturgis should continue to be represented by counsel and must also comply with the filing requirements for electronic filing.

In accordance with the July 22, 2022 Order entered in Case No. 2020-00085,² Sturgis, by counsel, should refile the motion by electronic mail at PSCED@ky.gov. If the motion is granted, Sturgis would establish an electronic filing account with the

² Case No. 2020-00085 *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (KY PSC July 22, 2021).

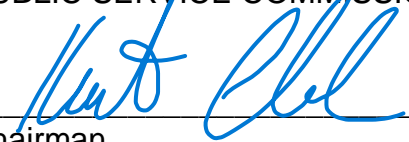
Commission and use the Commission's electronic filing system for all case filings. While information regarding electronic filing is available on the Commission's website at psc.ky.gov, Sturgis's counsel is encouraged to contact Commission's Filings' Staff at 502-564-3940 to obtain individualized instructions to establish an electronic filing account and to file documents through the electronic filing system.

A copy of this Order shall be served by electronic mail to Sturgis' counsel at the email address and at the street address listed on the August 4, 2022 motion.

IT IS THEREFORE ORDERED that:

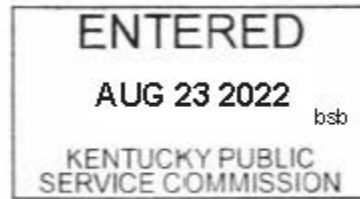
1. Sturgis' motion to intervene is denied.
2. Within three days of date of service of this Order, Sturgis may refile an untimely motion by electronic mail at PSCED@ky.gov.
3. A copy of this Order shall be served by electronic mail to Sturgis' counsel at the email address and at the street address listed on the August 4, 2022 motion.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

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