

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

This matter arises upon the motion for intervention of the city of Sturgis (Sturgis) filed on August 24, 2022.¹ In support of its motion Sturgis stated that any rate adjustment for Union County Water District (Union District) will affect the residents of Sturgis. Sturgis stated that since August 21, 2012, Sturgis and Union District have been parties to a contract for Union District to provide wholesale water service to Sturgis. Therefore, Sturgis stated that any rate adjustment made in this proceeding will impact the residents of Sturgis and the price Sturgis pays for water. Sturgis averred this relationship provides it with a special interest in these proceedings that cannot be represented by any other party.

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

¹ Sturgis initially tendered a letter signed by its mayor, Douglas Rodgers, and delivered to the Commission by facsimile on July 7, 2022. The Commission denied that request on July 22, 2022 because it did not conform to Commission regulations. On August 5, 2022, by and through counsel, Sturgis tendered another motion for intervention, which the Commission denied on August 23, 2022, due to filing deficiencies. However the Commission permitted Sturgis three days in which to cure the deficiency and properly file its motion for intervention. Sturgis filed its motion in conformity with the Commission's Order and all applicable Commission regulations on August 24, 2022.

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.²

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

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Sturgis has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented. Specifically, Sturgis has established that it has had a contract for the wholesale purchase of water with Union District since August of 2012, and that any changes in Union District's rates could potentially have an adverse effect on Sturgis. Sturgis provided a copy of the contract between Sturgis and Union District to document the contractual relationship between the two. There are no other intervenors in this case. Therefore, there are no other parties in this case that have the unique interest that Sturgis has as a wholesale customer of Union District. Any changes in the rates that Union District is permitted to charge its customers could potentially have an adverse effect upon Sturgis. Therefore, the Commission finds that Sturgis has sufficiently established a

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

“special interest” in this case that is not otherwise represented by any other party, as required in 807 KAR 5:001, Section 4(11).

Commission regulation 807 KAR 5:001, Section 4(11), only requires an intervenor to satisfy one prong of the two-prong standard for intervention. It does *not* require that an applicant seeking intervention satisfy both. Because Sturgis has established that it has a special interest that is not otherwise adequately represented in this case, Sturgis has met the requirements for intervenor status. It is not necessary to determine whether Sturgis has met the second prong of the two-prong standard and presented evidence that it will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Based on the above, the Commission finds that Sturgis is granted full rights of a party in this proceeding. The Commission directs Sturgis to the Commission’s July 22, 2021 Order in Case No. 2020-00085³ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Sturgis’s motion to intervene is granted.
2. Sturgis is entitled to the full rights of a party and shall be served with the Commission’s Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Sturgis shall comply with all provisions of the Commission’s regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.

³ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

4. Sturgis shall adhere to the procedural schedule set forth in the Commission's July 22, 2022 Order and as amended by subsequent Orders.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, Sturgis shall file a written statement with the Commission that:

a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

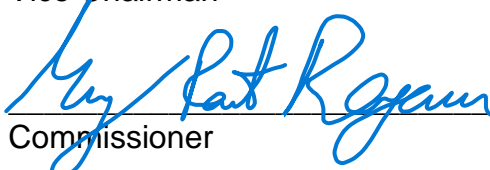
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PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman

*by KAC
w/permission*


Commissioner

ENTERED
AUG 29 2022 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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