

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF GRANT	)	CASE NO.
COUNTY SANITARY SEWER DISTRICT FOR AN	)	2022-00377
ALTERNATIVE RATE ADJUSTMENT	)	

ORDER

This matter arises upon the motion of the city of Crittenden (Crittenden), filed January 19, 2023, for full intervention. As a basis for its motion, Crittenden stated that it has a special interest that cannot be adequately represented by an existing party. Crittenden also stated that it will address issues and develop facts that will assist the Commission in fully considering the matters without unduly complicating or disrupting the proceedings.

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.<sup>1</sup>

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001E, Section 4, is twofold. Commission regulation 807 KAR 5:001E, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding

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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. 1966).

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 record and being otherwise sufficient advised, the Commission finds that Crittenden has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented, and that Crittenden is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complication the proceedings, for the reasons discussed below. Crittenden represents the interest of all its residents, and Crittenden's residents make up the majority of Grant County Sanitary Sewer District's (Grant District) users.<sup>2</sup> Crittenden intends to address the effects of the increases of the proposed sewer rates on its residents and its developments.<sup>3</sup> Crittenden also intends on addressing its usage of Grant District's services and the failures of Grant District to enforce its own policies regarding required hook-ups pursuant to written guidelines, resulting in a lack of consumer base.<sup>4</sup> There are also no other intervenors in this case.

Based on the above, the Commission finds that Crittenden should be granted full rights of a party in this proceeding. The Commission directs Crittenden to the

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<sup>2</sup> Crittenden's Motion to Intervene (filed on Jan. 19, 2023) at 2.

<sup>3</sup> Crittenden's Motion to Intervene at 2.

<sup>4</sup> Crittenden's Motion to Intervene at 2.

Commission's July 22, 2021 Order in Case No. 2020-00085<sup>5</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Crittenden's motion to intervene is granted.
2. Crittenden 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. Crittenden shall comply with all provisions of the Commission's regulations, 807 KAR 5:001E, Section 8, related to the service and electronic filing of documents.
4. Crittenden shall adhere to the procedural schedule set forth in the Commission's January 10, 2023 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001E, Section 8(9), within seven days of service of this Order, Crittenden 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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<sup>5</sup> 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).

PUBLIC SERVICE COMMISSION

  
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Chairman

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Vice Chairman

  
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Commissioner



ATTEST:

  
\_\_\_\_\_  
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