

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:)
)
APPLICATION OF KENTUCKY-AMERICAN)
WATER COMPANY FOR AN ADJUSTMENT) **CASE NO. 2015-00418**
OF RATES)
)

RESPONSE TO JEANNE CONNELL’S REQUEST FOR INTERVENTION

Kentucky-American Water Company (“KAW”) hereby responds to Jeanne Connell’s February 8, 2016 Request for Intervention. For the reasons set forth below, the request must be denied.

The request does not meet the requirements for intervention as set forth in 807 KAR 5:001, Section 4(11). Under that regulation, one moving for intervention must “state his or her interest in the case and how 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.”¹ Ms. Connell’s Request fails to do so. Furthermore, the applicable regulation also states that the Commission shall grant intervention “if . . . she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission”² Ms. Connell’s request offers nothing in the way of a special interest in this proceeding that is not otherwise represented or that her intervention will assist the Commission in fully considering the matter. The failure to even attempt to establish the most basic grounds for intervention requires that the request be denied.

¹ 807 KAR 5:001, Section 4(11)(a)(1).

² 807 KAR 5:001, Section 4(11)(a)(2)(b).

Viewed in the most favorable light, the requests is actually a letter protesting the requested rate increase with an accompanying unsupported subject line stating “request for intervention.” The Commission has regularly denied intervention to persons, including customers, who can state no more than that they have particular positions on issues. In fact, the Commission denied similar intervention requests in KAW’s 2010 rate case when it held that the Attorney General represents consumers’ interests.³ The Commission approved the Attorney General’s intervention in this matter on February 5, 2016.

In Case No. 2004-00304, the Commission denied intervention to Robert Madison, an LG&E customer, in a case concerning LG&E’s Home Energy Assistance Program. The Commission held:

[T]he mere fact that Mr. Madison has a particular position on issues pending in this case does not create the requisite ‘special interest’ sufficient to justify full intervention under 807 KAR 5:001, Section 3(8)(b). Mr. Madison’s request for reconsideration contains no additional facts or arguments to demonstrate that his interest in these proceedings differs from that of any other residential customer of LG&E.⁴

In Case No. 2003-00266, the Commission relied on similar reasoning to deny Mr. Madison intervention in that proceeding:

[T]he Commission finds that Mr. Madison has not demonstrated that, as a residential consumer, he has any interest in this case that differs from the interests of LG&E’s other 334,000 residential electric customers. The AG has been granted full intervention in this case, and he is charged by statute with representing the interests of all consumers.⁵

³ *In the Matter of Kentucky-American Water Company for a General Adjustment of Rates*, Case No. 2010-00036, Orders [March 19, 2010](#) and [August 5, 2010](#).

⁴ *In the Matter of: Joint Application of Louisville Gas and Electric Company, Metro Human Needs Alliance, Inc., People Organized and Working for Energy Reform, and Kentucky Association for Community Action, Inc., for the Establishment of a Home Energy Assistance Program*, Case No. 2004-00304, Order at 3-4 (Sept. 30. 2004).

⁵ *In the Matter of: Investigation into the Membership of Louisville Gas and Electric Company*

The Commission has likewise denied intervention to customers who claim to represent a particular segment of a utility's customer base.⁶ Therefore, even if Ms. Connell's request is somehow construed as an effort to speak for a segment of KAW's customer base, Ms. Connell has provided no reason to believe that her interests are any different than any other customer's.

Finally, the requests provide nothing in the way of qualifications, experience, or background that give reason to believe that Ms. Connell could assist the Commission in considering the facts and issues that are relevant and jurisdictional to the Commission. Certainly, the interests of customers and members of the general public will be fully and ably represented by the statutorily authorized representative – the Attorney General.

WHEREFORE, KAW respectfully requests denial of Ms. Connell's Request for Intervention.

and Kentucky Utilities Company in the Midwest Independent Transmission System Operator, Inc., Case No. 2003-00266, Order at 2 (Aug. 13, 2003).

⁶ See, e.g., *In the Matter of: General Adjustments in Electric Rates of Kentucky Power Company*, Case No. 2005-00341, Order at 1 (Feb. 6, 2006) (“This matter arises upon the letters filed by Croma Tackett, requesting intervention on behalf of herself and other low-income residential ratepayers. Based on the letters, which will be treated as a motion, the Commission finds that intervention has already been granted to the Attorney General's Office, on behalf of all residential customers, and to the Kentucky Association of Community Action, Inc., on behalf of low-income residential customers. Since the interests sought to be protected by the movant are adequately being protected by existing intervenors, the motion should be denied.”).

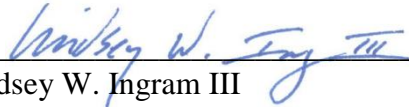
Date: February 15, 2016

Respectfully submitted,

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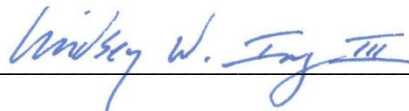
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Monica H. Braun

CERTIFICATE

This certifies that Kentucky-American Water Company's electronic filing is a true and accurate copy of the documents to be filed in paper medium; that the electronic filing has been transmitted to the Commission on February 15, 2016; that a paper copy of the filing will be delivered to the Commission within two business days of the electronic filing; and that no party has been excused from participation by electronic means. This further certifies that a true and accurate copy of the foregoing was served, via U.S. Mail, on February 15, 2016, upon the following:

Jeanne Connell
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STOLL KEENON OGDEN PLLC

By: 

Attorneys for Kentucky-American Water Company