



S T O L L · K E E N O N · O G D E N
P L L C

2000 PNC PLAZA
500 WEST JEFFERSON STREET
LOUISVILLE, KY 40202-2828
MAIN: (502) 333-6000
FAX: (502) 333-6099
www.skofirm.com

KENDRICK R. RIGGS
DIRECT DIAL: (502) 560-4222
DIRECT FAX: (502) 627-8722
kendrick.riggs@skofirm.com

June 20, 2011

VIA HAND DELIVERY

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

RECEIVED

JUN 20 2011

PUBLIC SERVICE
COMMISSION

RE: The Application of Kentucky Utilities Company for Certificates of Public Convenience and Necessity and Approval of Its 2011 Compliance Plan for Recovery by Environmental Surcharge
Case No. 2011-00161

Dear Mr. DeRouen:

Enclosed please find and accept for filing the original and ten copies of Kentucky Utilities Company's Response to the Motion to Intervene of Frances D. Farris in the above-referenced case. Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copies of this letter and return them to me in the enclosed self-addressed stamped envelope.

Should you have any questions please contact me at your convenience.

Yours very truly,

Kendrick R. Riggs

KRR:ec

Enclosures

cc: Parties of Record
Frances D. Farris

400001.139563/736215.1

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES)	
COMPANY FOR CERTIFICATES OF)	
PUBLIC CONVENIENCE AND NECESSITY)	CASE NO. 2011-00161
AND APPROVAL OF ITS 2011 COMPLIANCE)	
PLAN FOR RECOVERY BY)	
ENVIRONMENTAL SURCHARGE)	

**RESPONSE OF KENTUCKY UTILITIES COMPANY TO THE
MOTION TO INTERVENE OF FRANCES D. FARRIS**

Kentucky Utilities Company (“KU”) respectfully requests the Commission deny the motion to intervene of Frances D. Farris in this proceeding. Ms. Farris’ motion should be denied for three reasons: (1) the motion does not state a special interest in the proceeding that is not already represented by the Attorney General; (2) the motion fails to identify any issues or development of facts that will assist the Commission in the resolution of this matter; and (3) Ms. Farris’ intervention would unduly complicate and disrupt the proceeding. As Ms. Farris fails to satisfy any of the requirements for intervention under 807 KAR 5:001 § 3(8), KU respectfully requests that the Commission deny the motion to intervene of Frances D. Farris in this proceeding.

I. The Commission Should Deny Ms. Farris’ Motion to Intervene Because Ms. Farris Does Not Have a Special Interest in this Proceeding.

The Commission will grant requests for permissive intervention “only upon a determination that the criteria set forth in 807 KAR 5:001, Section 3(8), have been satisfied.”¹ Under the regulation, permissive intervention will only be granted if the person “has a special interest in the proceeding which is not otherwise adequately represented” or that granting full

¹ *In the Matter of: The 2008 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2008-00148 Order (July 18, 2008).

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.”² Ms. Farris’ motion does not clearly articulate whether she seeks intervention because she has a special interest in the proceeding which is not otherwise adequately represented, or whether she seeks intervention to present issues or to develop facts that assist the commission in fully considering the matter. Ms. Farris’ motion to intervene consists of a one-page letter addressed to the Commission that simply states that she requests “leave to intervene in any rate increases” for which KU has requested the Commission’s approval.³

The Commission has repeatedly held that a ratepayer’s general interest as a customer is not a special interest warranting intervention.⁴ Instead, the Attorney General has a statutory right, pursuant to KRS 367.150(8)(b), to represent customers’ interests in ECR proceedings such as this one. The Attorney General moved to intervene in this proceeding on May 25, 2011. The Commission granted the motion to intervene on June 3, 2011. The Attorney General has significant experience in representing ratepayers’ interests in ECR proceedings, including prior KU cases.⁵ Because Ms. Farris’ only interest in this proceeding is that of a customer and that

² 807 KAR 5:001 § 3(8)(b).

³ See Farris Motion.

⁴ *In the Matter of: Application of Kentucky Utilities Company to File Depreciation Study* (Case No. 2007-00565) and *In the Matter of Application of Kentucky Utilities Company for an Adjustment of Electric Base Rates* (Case No. 2008-00251) Order, December 5, 2008. *In the Matter of: Application of Kentucky Utilities Company to Amortize, by Means of Temporary Decreases in Rates, Net Fuel Cost Savings Recovered in Coal Contract Litigation* (Case No. 93-113) Order, December 7, 1993; *In the Matter of: Application of Water Service Corporation of Kentucky for an Adjustment of Rates* (Case No. 2008-563) Order, May 6, 2009; *In the Matter of: An Examination by the Kentucky Public Service Commission of the Environmental Surcharge Mechanism of Louisville Gas and Electric Company for the Two-Year Billing Period Ending April 30, 2003* (Case No. 2003-00236) Order, October 8, 2003.

⁵ *In the Matter of: The Application of Kentucky Utilities Company for a Certificate of Public Convenience and Necessity to Construct a Selective Catalytic Reduction System and Approval of Its 2006 Compliance Plan for Recovery by Environmental Surcharge* (Case No. 2006-00206); *In the Matter of: The Application of Kentucky Utilities Company for a Certificate of Public Convenience and Necessity to Construct Flue Gas Desulfurization Systems and Approval of its 2004 Compliance Plan for Recovery by Environmental Surcharge* (Case No. 2004-00426).

interest is already adequately represented, Ms. Farris does not have a special interest in the proceeding and her motion to intervene should be denied.

II. The Commission Should Deny Ms. Farris' Motion to Intervene Because Ms. Farris Has Not Demonstrated that She Will Present Issues or Develop Facts that Would Assist the Commission.

Ms. Farris' motion to intervene fails to demonstrate that she will present issues or develop facts that would assist the Commission in fully considering this matter without unduly complicating or disrupting the proceeding.⁶ The only facts identified in the motion to intervene are several charges on Ms. Farris' bill that she believes to be "too high."⁷ Other than this factual assertion, Ms. Farris does not identify any expertise in ECR proceedings, or in the principles of ratemaking and cost recovery. Because Ms. Farris has failed to identify how she will present issues or develop facts that would assist the Commission in fully considering this matter, her motion should be denied.

III. The Commission Should Deny Ms. Farris' Motion to Intervene Because Ms. Farris' Intervention Will Unduly Complicate and Disrupt the Proceeding.

Even if Ms. Farris could demonstrate that she would present issues or develop facts that would assist the Commission in this proceeding, her intervention would unduly complicate and disrupt this proceeding in contravention of 807 KAR 5:001 § 3(8).

Ms. Farris is not an attorney and not represented by an attorney in her motion to intervene. Her self-representation as an intervenor could also result in undue complication and disruption of these proceedings. The proper means for Ms. Farris to participate in this proceeding is through filing public comments and communicating with the Attorney General, who will represent Ms. Farris' interest as a ratepayer. Moreover, Ms. Farris may also provide oral comments at the public hearing in this matter or further written comments in the record in

⁶ 807 KAR 5:001 § 3(8)(b).

⁷ See Farris Motion.

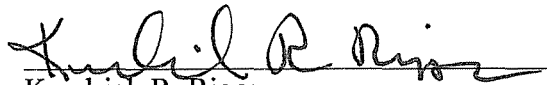
this case. These mechanisms ensure that Ms. Farris is given an opportunity to present her comments without unduly complicating the pending action. For these reasons, KU respectfully requests that the Commission deny Ms. Farris' motion to intervene as her involvement would unduly complicate and disrupt this proceeding.

IV. Conclusion

As Ms. Farris has failed to present any ground upon which the Commission can grant permissive intervention, the Commission should deny Ms. Farris' motion to intervene. Ms. Farris' only interest in this proceeding is as a customer, an interest that is already represented by the Attorney General. Also, the motion does not evince any intent to develop facts or issues that will assist the Commission in the resolution of this matter. Finally, Ms. Farris' intervention will unduly complicate and disrupt the proceeding. Therefore, KU respectfully requests that the Commission deny Frances D. Farris' motion to intervene in this proceeding.

Dated: June 20, 2011

Respectfully submitted,



Kendrick R. Riggs
W. Duncan Crosby III
Monica H. Braun
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828
Telephone: (502) 333-6000

Allyson K. Sturgeon
Senior Corporate Attorney
LG&E and KU Services Company
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-2088

Counsel for Kentucky Utilities Company

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Response was served via U.S. mail, first-class, postage prepaid, this 20th day of June 2011 upon the following persons:

Dennis G. Howard II
Lawrence W. Cook
Assistant Attorneys General
Office of the Attorney General
Office of Rate Intervention
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

Iris G. Skidmore
415 West Main Street, Suite 2
Frankfort, KY 40601

David C. Brown
Stites & Harbison PLLC
400 West Market Street, Suite 1800
Louisville, KY 40202-3352

Michael L. Kurtz
Kurt J. Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202

David J. Barberie, Attorney Senior
Leslye M. Bowman, Director of Litigation
Department of Law
Lexington-Fayette Urban County Government
200 East Main Street
Lexington, KY 40507

Frances D. Farris
820 Tyrone Pike #1
Versailles, KY 40383


Counsel for Kentucky Utilities Company