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September 6, 2013

VIA HAND DELIVERY

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

RE: Jeff M. Short v. Kentucky Utilities Company
Case No. 2013-00287

Dear Mr. DeRouen:

Enclosed please find, for filing, the original and ten (10) copies of Kentucky Utilities Company's Objection to Motion of Joshua Bills for Full Intervention in the above-referenced matter. Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copies and return them to me via our officer courier.

Sincerely,

W. Duncan Crosby III

WDC/ec
Enclosures as mentioned
cc: Jeff M. Short
Joshua Bills

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Section 3(8) [now Section 4(11)], 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 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 Notably, the Commission has consistently held that a person’s status as a utility’s customer is not a special interest sufficient to merit full intervention.³ Here, the movant, Mr. Bills, is not even a KU customer. Therefore, he can have no cognizable interest in how KU applies its tariff to the complainant or any other KU customer, and can have no special interest in this proceeding sufficient for the Commission to grant him intervention.

II. The Commission Should Deny Mr. Bills’s Motion to Intervene Because Mr. Bills Has Not Demonstrated that He Will Present Issues or Develop Facts that Would Assist the Commission.

Mr. Bills’s motion to intervene fails to demonstrate that he will present issues or develop facts that would assist the Commission in fully considering this matter.⁴ Assuming the Commission does not dismiss this proceeding because the complaint alleges a hypothetical harm, the only issue for the Commission to address in this proceeding is whether KU would correctly

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).

² 807 KAR 5:001 § 4(11)(b).

³ *In the Matter of Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge* (Case No. 2009-00198) Order, Aug. 28, 2009 (denying intervention to customer Tammy Stewart on ground she lacked a special interest meriting intervention, as well as expertise that would assist the Commission); *In the Matter of: Application of Kentucky Utilities Company for an Order Approving the Establishment of a Regulatory Asset* (Case No. 2009-00174) Order, June 26, 2009 (denying Rep. Jim Stewart’s Motion to Intervene because he had neither a special interest in the proceeding nor was he likely to assist the Commission to render a decision); *In the Matter of: Joint Application of Louisville Gas and Electric Company, Association of Community Ministries, 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. 2007-00337) Order, Sept. 14, 2007 (“[H]old[ing] a particular position on issues pending in ... [a] case does not create the requisite ‘special interest’ to justify full intervention under 807 KAR 5:001, Section 3(8)(b) [now Section 4(11)].”).

⁴ 807 KAR 5:001 § 4(11)(b).

apply its net-metering and low-emission-vehicle tariff provisions to a particular customer if the customer happened to be consistently a net supplier of energy in a single time-of-use period.⁵ That narrow tariff-interpretation issue, which is a purely legal issue, has nothing to do with Mr. Bills's claimed expertise; he states he is "an energy specialist with first-hand experience in using the net metering interconnection process to connect a PV system to the grid," who will "bring to the case the perspective of a non-profit economic development advisor specializing in use of renewable energy to strengthen the economic performance of businesses in the Appalachian region."⁶ These issues are wholly irrelevant to Mr. Short's complaint, which does not allege any concerns about interconnecting with KU, solar energy or solar-array installation per se, economic development, or the Appalachian region's economic performance; rather, this proceeding concerns a narrow and strictly legal matter of tariff interpretation. The Commission should therefore deny Mr. Bills's motion for failing to identify how he could present issues or develop facts that would assist the Commission in fully considering this matter.

III. Conclusion


The Commission should deny Mr. Bills's motion to intervene because he has failed to present any ground upon which the Commission can grant him permissive intervention. Mr. Bills is not a KU customer, and therefore cannot have a cognizable interest in this customer-complaint proceeding. Also, the motion provides no reason to believe that Mr. Bills—an energy specialist, solar installer, and economic-development advisor—will be able to develop facts or issues that will help the Commission address the only issue in this proceeding, which is a strictly legal question of tariff interpretation. Therefore, KU respectfully asks the Commission to deny Joshua Bills's motion to intervene in this proceeding.

⁵ See Complaint at 2.

⁶ Bills Motion at 4.

Dated: September 6, 2013

Respectfully submitted,

By: 

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*Counsel for Defendant,
Kentucky Utilities Company*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Objection was served upon the following persons by first class United States mail, postage prepaid, on the 6th day of September 2013:

Joshua Bills
1058 Big Hill Road
Berea, KY 40403

Jeff Short
9180 Kentucky Highway 78
Stanford, KY 40484



*Counsel for Defendant,
Kentucky Utilities Company*