

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NOLIN RURAL)	
ELECTRIC COOPERATIVE CORPORATION)	CASE NO.
FOR A GENERAL RATE INCREASE)	2016-00367

ORDER

On December 21, 2016, Jonathan Myers (“Petitioner”) filed a letter, which will be treated as a petition, requesting intervention in this case. Petitioner states that as both a residential user and an electrician, he routinely interacts with Nolin Rural Electric Cooperative Corporation (“Nolin”) and other cooperatives. He further states his reasons for seeking intervention as follows: Nolin’s rates are already higher than the other local provider, Kentucky Utilities (“KU”); and Nolin is harder to work with than KU. Petitioner states that he realizes Nolin’s costs have risen and he does not oppose it seeking to recover its costs, but he wishes it would strive to meet its customers’ desires, respect landowners, look out for landowners’ interests, and generally have a pleasant attitude.

No party has filed a response to Petitioner’s request to intervene.

The only person with a statutory right to intervene is the Attorney General (“AG”), pursuant to KRS 367.150(8)(b). That statute authorizes the AG to participate “on behalf of consumer interests.” On January 17, 2017, the AG petitioned for full intervenor status in this case, noting in his motion that KRS 367.150(8) “grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky to

represent consumers' interests."¹ The AG's petition was granted by the Commission's Order dated January 23, 2107. Intervention by all others is permissive and is within the sound discretion of the Commission.²

In exercising our discretion to determine permissive intervention, there are both statutory and regulatory limitations on the Commission. The statutory limitation, KRS 278.040(2), requires that "the person seeking intervention must have an interest in the 'rates' or 'service' of a utility, since those are the only two subjects under the jurisdiction of the PSC."³ The regulatory limitation is set forth in 807 KAR 5:001, Section 3(8). That regulation requires a person seeking intervention to file a request in writing which "shall specify his interest in the proceeding."⁴ That regulation further provides that:

If the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by a party 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, such person shall be granted full intervention.⁵

It is under these statutory and regulatory criteria that the Commission reviews a motion for permissive intervention.

Based on a review of the petitioner's request and being otherwise sufficiently advised, the Commission finds that the Petitioner does not have a special interest in the

¹ AG's Motion to Intervene at 1.

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

³ *EnviroPower, LLC v. Public Service Comm'n*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007).

⁴ 807 KAR 5:001, Section 3(8).

⁵ *Id.*

proceeding which is not otherwise adequately represented. Petitioner's stated reasons for intervention are not sufficient to establish that he has a special interest in this matter which is not otherwise adequately represented. There are 32,734 residential customers located in nine counties⁶ who, like Petitioner, are customers of Nolin, with many having similar concerns as Petitioner. The AG is statutorily empowered to represent these customers and has been granted full intervention in this case.

The Commission further finds that Petitioner has failed to establish that he is likely to present issues or to develop facts that will assist the Commission in resolving this matter without unduly complicating or disrupting the proceedings. While Petitioner cites his knowledge and experience as an electrician, he has not demonstrated that he is sufficiently knowledgeable about issues of utility ratemaking and rate structures to assist the Commission in fully considering this matter. Because the requisites of KRS 278.040(2) and 807 KAR 5:001, Section 3(8), have not been satisfied, the Commission will deny Petitioner's request for intervention.

Petitioner will have ample opportunity to participate in this proceeding even though he has not been granted intervenor status. Petitioner can review all documents filed in this case and monitor the proceedings via the Commission's website at the following address: http://psc.ky.gov/PSC_WebNet/ViewCaseFilings.aspx?case=2016-00367. Petitioner may also file comments as frequently as he chooses, and his comments will be entered into the record of this case. All members of the public also may be afforded an opportunity to address the Commission in person, either

⁶ Annual Report of Nolin R.E.C.C. to the Kentucky Public Service Commission for the Year Ended December 31, 2015, at 44, 52.

immediately prior to any evidentiary hearing in this matter or in any meetings the Commission schedules for the express purpose of receiving public comments.

IT IS THEREFORE ORDERED that Petitioner's request to intervene is denied.

By the Commission

ENTERED
MAR 14 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

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