

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                      |   |            |
|--------------------------------------|---|------------|
| ELECTRONIC APPLICATION OF LOUISVILLE | ) |            |
| GAS AND ELECTRIC COMPANY FOR A       | ) | CASE NO.   |
| CERTIFICATE OF PUBLIC CONVENIENCE    | ) | 2017-00195 |
| AND NECESSITY FOR THE CONSTRUCTION   | ) |            |
| OF AN ELECTRIC TRANSMISSION LINE     | ) |            |

ORDER

This matter arises upon the motion of Waste Management of Kentucky, LLC (“Waste Management”) filed on July 14, 2017, for full intervention pursuant to 807 KAR 5:001, Section 4(11). As a basis for its motion to intervene, Waste Management states that it has a special interest in the proceeding because Louisville Gas and Electric Company (“LG&E”) filed an application to relocate an electric transmission line<sup>1</sup> at the request of Waste Management in order to facilitate the expansion of its landfill facility, and that no other party can adequately represent its special interest in this proceeding.

Waste Management also asserts that it can provide information regarding the purpose of the relocations. Finally, as the only property owner affected by the relocations, Waste Management further asserts that it can provide information regarding the impact of the relocations on the property, and the potential impact of any contemplated action by the Commission.

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<sup>1</sup> In the Application, LG&E requested a certificate of public convenience and necessity (“CPCN”) to relocate an electric transmission line. In a footnote in the Application, LG&E stated that it must also relocate a gas transmission line, and asserted that the relocation of the gas transmission line is an ordinary extension in the usual course of business and that no CPCN is necessary.

Based on the motion to intervene, and being otherwise sufficiently advised, the Commission finds that the only person who has a statutory right to intervene in a Commission case is the Attorney General, pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>2</sup> The Court of Appeals has held that the Commission's discretion to grant or deny a motion for intervention is not unlimited, and has enumerated the limits on the Commission's discretion, with one arising under statute, the other under regulation.<sup>3</sup> 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."<sup>4</sup>

The regulatory limitation is set forth in 807 KAR 5:001, Section 4(11)(a), which requires a person to demonstrate either (1) a special interest in the proceeding which 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.

In analyzing the pending motion to intervene, we find Waste Management is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The Commission, being otherwise sufficiently advised, finds that the motion should be granted.

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

<sup>3</sup> *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007).

<sup>4</sup> *Id.* at 3.

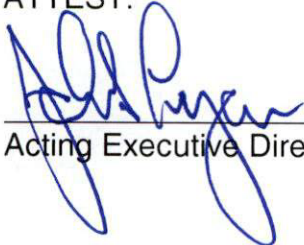
IT IS HEREBY ORDERED that:

1. The motion of Waste Management to intervene is granted.
2. Waste Management shall be 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. Waste Management shall comply with all provisions of the Commission's regulation, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. Waste Management shall adhere to the procedural schedule set forth in the Commission's Order dated July 11, 2017, and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, Waste Management shall file a written statement, with a copy to parties of record, that:
  - a. Affirms that its agent, possesses the facilities to receive electronic transmissions;
  - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

By the Commission

ENTERED  
AUG 08 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Acting Executive Director

Case No. 2017-00195

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