

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-)	CASE NO.
AMERICAN WATER COMPANY FOR AN)	2018-00358
ADJUSTMENT OF RATES)	

ORDER

On December 7, 2018, Nishaan Sandhu submitted a letter requesting to intervene in this matter based upon her opposition to Kentucky-American Water Company's (Kentucky-American) proposed rate increase. The Commission will treat Ms. Sandhu's letter as a motion to intervene. On December 14, 2018, Kentucky-American filed a response objecting to the intervention request.

As a basis for the request, Ms. Sandhu asserts that the rate increase is unfair and unjust, and questions why Kentucky-American needs to raise its rates.

Kentucky-American contends that Ms. Sandhu fails to satisfy the requirements for intervention set forth in 807 KAR 5:001, Section 4(11), and that Ms. Sandhu's letter was akin to a public comment opposing the proposed rate increase that included unsupported language requesting intervention.

Having reviewed the request for intervention and being otherwise sufficiently advised, the Commission finds that the only person entitled to intervene, as a matter of right, is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General filed a motion to intervene on December 28, 2018, noting that KRS 367.150(8) grants him the right and obligation to appear before the Commission to

represent consumers' interests. The Commission granted the Attorney General's motion by Order dated January 8, 2019.

Other than the Attorney General, all requests to intervene are permissive, within the sound discretion of the Commission. In exercising its discretion to determine permissive intervention, the Commission follows its regulation, 807 KAR 5:001, Section 4(11). That regulation requires a person seeking intervention to file a request stating that person's interest in the proceeding. That regulation further provides that:

The commission shall grant a person leave to intervene if the commission finds that he has made a timely motion for intervention and that he has a special interest in the case that is not otherwise adequately represented or that his 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.

It is under these statutory and regulatory criteria that the Commission reviews a motion to intervene. Additionally, in the December 5, 2018 Order that, among other things, established the procedural schedule for this matter, the Commission stated that, "[A] general statement regarding a potential impact of a possible modification of rates will not be deemed sufficient to establish a special interest."

The Commission finds that Ms. Sandhu does not articulate a special interest that is otherwise not adequately represented or that she will develop issues and present facts to assist the Commission in this proceeding, and therefore her motion should be denied for failing to satisfy the requisites of 807 KAR 5:001, Section 11(a)(1). Ms. Sandhu offered a brief statement setting forth only a generalized interest in opposition to the rate increase, which, as referenced above, does not satisfy the requirement to establish a special interest. Given that the Attorney General represents consumers' interests before the Commission; we find that the Attorney General, pursuant to KRS 367.150(8), will duly

represent the interests of Kentucky-American consumers, and thus Ms. Sandhu's interest as a consumer will be adequately represented by the Attorney General. Last, in her generalized statement, Ms. Sandhu did not offer any information to demonstrate that she is likely to present issues or to develop facts that will assist the Commission in resolving this matter.

Our finding that Ms. Sandhu did not establish a special interest, or that she is likely to present issues or develop facts that assist the Commission, precludes further analysis of whether Ms. Sandhu's participation will unduly delay or complicate this proceeding.

Ms. Sandhu will have ample opportunity to participate in this matter even though she is not granted intervenor status. Ms. Sandhu can review all public documents filed in this case and monitor the proceedings via the Commission's website. In addition, Ms. Sandhu may file comments as frequently as she chooses, and those comments will be entered into the record of this case. Finally, if a formal evidentiary hearing is held, Ms. Sandhu will be provided an opportunity to present any information that she wishes for the Commission's consideration in this matter.

IT IS THEREFORE ORDERED that Ms. Sandhu's petition to intervene is denied.

By the Commission

ENTERED
JAN 04 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00358

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