

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
UTILITIES COMPANY FOR A CERTIFICATE OF	)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY FOR	)	2022-00066
THE CONSTRUCTION OF TRANSMISSION	)	
FACILITIES IN HARDIN COUNTY, KENTUCKY	)	

ORDER

On April 8, 2022, Edward and Rose Mary Gravell (the Gravells) filed a form petition<sup>1</sup> and an email requesting to intervene in this proceeding. As a basis for their request, the Gravells stated that 1055 Glendale-Hodgenville Road West, Glendale, Kentucky, will be impacted by the transmission lines proposed by Kentucky Utilities Company (KU). In their April 8, 2022 email request for intervention, the Gravells referred to 1055 Glendale-Hodgenville Road West as “our property.” KU filed a response on April 12, 2022, and generally objected to intervention by all unaffected landowners.<sup>2</sup>

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate

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<sup>1</sup> The Commission received multiple requests from different persons with the exact same text and blank signature lines for the person’s name and address.

<sup>2</sup> KU’s Response to Petitions to Intervene by Unaffected Landowners (filed April 12, 2022) (KU’s Response).

Intervention (Attorney General), pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>3</sup>

The statutory standard for permissive intervention, 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 standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that 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 cases involving an application for a Certificate of Public Convenience and Necessity (CPCN) to construct an electric transmission line, the Commission also considers KRS 278.020(9), which includes a person over whose property a proposed transmission line will cross as an “interested person” who may request intervention.

### DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds the Gravells failed to demonstrate that they have a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that they are likely to present issues or develop facts that will

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<sup>3</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

<sup>4</sup> *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 at 3 (Ky. App. Feb. 2, 2007).

assist the Commission in considering this matter without unduly complicating the proceedings, for the reasons discussed below.

The Gravells could intervene in these proceedings pursuant to 807 KAR 5:001, Section 4(11)(a), if they could demonstrate that they have a special interest in the proceeding or if they could provide evidence that they would present issues or develop facts that would assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. In the timely filed petition and email, the Gravells provided an address of 1055 Glendale-Hodgenville Road West, Glendale, Kentucky. According to the Hardin County Property Valuation Administrator's website, the owner of the property is "Hagan Leila Lifetime Estate."<sup>5</sup> The Gravells did not explain their interest in the 1055 Glendale-Hodgenville Road West property in their petition.

As noted in KU's Response,<sup>6</sup> multiple persons have indicated an ownership interest in this parcel of property, but the Gravells have not provided any proof of interest in the property. As such, KU objected to their intervention.

The interests that the Gravells proffered in their motion do not rise to the level of a special interest. The Gravells did not provide information regarding ownership of property that could be affected by the proposed KU transmission lines. According to their petition, the Gravells' interest in this proceeding is the same as any other landowner in the area: they do not believe KU is acting in the best interest of its customers or in the best interest of the community. This statement reflects a generalized interest, not a specific interest in the case that is not otherwise adequately represented, and thus does not meet the legal

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<sup>5</sup> [Public.net - Hardin County, KY PVA - Report: 207-00-00-030 \(schneidercorp.com\)](http://Public.net - Hardin County, KY PVA - Report: 207-00-00-030 (schneidercorp.com))

<sup>6</sup> KU's Response at 1, footnote 2.

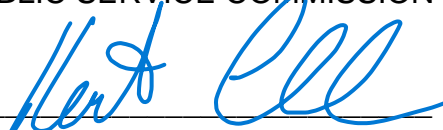
standard established in 807 KAR 5:001, Section 4(11)(a), that the person has a special interest not otherwise represented.

The Gravells' email mentioned a potential impact on the commercial value of the property they allege to own, but as noted above, the Gravells did not provide information to substantiate that claim. Similar to the above discussion, the Gravells appear to present only generalized facts or information in opposition to the proposed transmission line. Because the Gravells' petition does not document that they would present relevant issues or develop facts to assist the Commission in fully considering the matter, their petition failed to meet the legal standard established in 807 KAR 5:001, Section 4(11)(a), that the person would present relevant issues or develop facts to assist the Commission in fully considering this matter.

The Gravells will have an opportunity to participate in this proceeding even though they are not granted intervenor status. The Gravells can review all public documents filed in this case and monitor the proceedings via the Commission's website: <https://psc.ky.gov/Case/ViewCaseFilings/2022-00066>. In addition, the Gravells may file comments as frequently as they choose, and those comments will be entered into the record of this case.

IT IS THEREFORE ORDERED that the petition and email requesting intervention filed by the Gravells are denied.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Commissioner

ENTERED  
APR 25 2022 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

Stephen L. Dobson  
125 Stirling Lane  
Versailles, KENTUCKY 40383

\*Robert Conroy  
Vice President, State Regulation and Rates  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

Grover K. Berry  
339 Mockingbird Valley Road  
Louisville, KENTUCKY 40207

\*Kentucky Utilities Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Honorable Allyson K Sturgeon  
Managing Senior Counsel - Regulatory &  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*David S Samford  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*Honorable Kendrick R Riggs  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

\*Katie M Glass  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634

\*Michael Hornung  
Manager, Pricing/Tariffs  
Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40202