

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

**JOINT APPLICATION OF LOUISVILLE GAS)
AND ELECTRIC COMPANY, ASSOCIATION OF)
COMMUNITY MINISTRIES, INC., PEOPLE)
ORGANIZED AND WORKING FOR ENERGY) CASE NO. 2007-00337
REFORM, AND KENTUCKY ASSOCIATION FOR)
COMMUNITY ACTION, INC. FOR THE)
ESTABLISHMENT OF A HOME ENERGY)
ASSISTANCE PROGRAM)**

ATTORNEY GENERAL'S OBJECTION TO THE MOTION
OF ROBERT L. MADISON FOR FULL INTERVENTION AND MOTION
TO STRIKE THE DATA REQUESTS SUBMITTED TO THE
ATTORNEY GENERAL

Comes now the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and files his objection to the motion of Robert L. Madison for full intervention in the matter and moves the Commission to strike the data requests submitted by Mr. Madison to his office.

In support of his objection, the Attorney General states that pursuant to KRS 367.150(8), his office has the right and obligation to appear before the Commission in this matter to represent consumers' interests and that his request to intervene in this case was granted by the Commission in its Order dated August 14, 2007. Therefore, the Attorney General states that any consumer interests are already adequately represented by his office. While this representation of consumers by the Attorney General is not exclusive, the Attorney General notes that the Commission must grant intervention only if the moving party has a special interest in the

proceeding, which is not otherwise adequately represented, or if full intervention by the party is likely to present issues or develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. (807 KAR 5:001, Section 3(8)). Therefore, the burden is upon Mr. Madison to show either his special interest or that his participation will present issues or develop facts that assist the Commission without unduly complicating or disrupting the proceedings. The Attorney General asserts that Mr. Madison fails on both counts.

First, Mr. Madison has neither education nor experience in either rate-making or rate design. In fact, it is the understanding of the Attorney General that Mr. Madison's educational background is as a cartographer and that his experience consists of being employed as a postal worker for the United States Postal Service. The Attorney General asserts that as Mr. Madison's education and experience do not touch on the subject matter of the case, it is, therefore, highly unlikely that he will present any issues or facts which would assist the Commission.

Next, the Attorney General is tasked by statute with the representation of general consumer interests in the matter. Therefore, in order to satisfy the requirement for intervention, Mr. Madison must show a special interest beyond that of a general consumer and which is not adequately addressed by any party. The Attorney General asserts that Mr. Madison's mere disagreement with the provisions of any proposed program does not rise to the level of a special interest and that Mr. Madison has not articulated a specific interest that is differentiated in any meaningful way from the interests of the general public at large. Therefore, Mr. Madison has not met his burden and has not shown any special interest in the matter not adequately represented which would warrant his inclusion as a party.

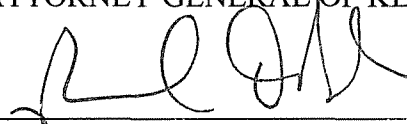
However, based on prior cases, Mr. Madison has proved his presence does serve to unduly disrupt or complicate the proceedings in which he participates. The most egregious

examples of Mr. Madison's previous behavior and conduct as a participant will not be cited herein as attorneys for other parties have provided numerous samples which should remind the Commission of the dubious value of Mr. Madison's participation. As an additional point to illustrate Mr. Madison's disruptive behavior, he has served upon the Attorney General and other parties discovery requests without the benefit of being granted party status by this Commission and in direct conflict with the procedural schedule set forth by the Commission. The Attorney General asserts that, as Mr. Madison has not obtained party status from the Commission, such requests are untimely at best and clearly disrupt and complicate the proceedings unnecessarily.

Therefore, for the above reasons, the Attorney General urges the Commission to deny Mr. Madison's motion to intervene and respectfully moves the Commission to strike the discovery requests served by Mr. Madison upon his office and the other parties.

Respectfully submitted,

GREGORY D. STUMBO
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CERTIFICATE OF SERVICE AND NOTICE OF FILING

I hereby give notice that this the 22nd day of August, 2007, I have filed the original and ten copies of the foregoing with the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, 40601 and certify that this same day I have served the parties

by mailing a true copy of same, postage prepaid, to those listed below.

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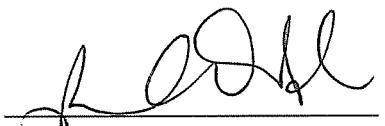
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