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August 22, 2007

VIA EXPRESS MAIL

Ms. Elizabeth O'Donnell, Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602-0615

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

Dear Ms. O'Donnell:

Enclosed for filing in the above-captioned case are the original and ten (10) copies of the Objection of People Organized and Working for Energy Reform and Association of Community Ministries, Inc. to Full Intervention by Robert L. Madison and to Data Requests of Robert L. Madison.

Please confirm your receipt of this filing by placing the stamp of your office with the date received on the enclosed additional copy of this filing and return it to me in the self-addressed stamped envelope.

Thank you for your assistance. Please contact me if you have any questions or need further information regarding this matter.

Very truly yours,

Lisa Kilkelly

Enclosures

RECEIVED

AUG 23 2007

**PUBLIC SERVICE
COMMISSION**



Metro United Way

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Objection of People Organized and Working for Energy Reform and Association of Community Ministries, Inc. to Full Intervention by Robert L. Madison and to Data Requests of Robert L. Madison have been served on the following persons by mailing the same to:

Joe F. Childers
Getty & Childers, PLLC
1900 Lexington Financial Center
250 West Main Street
Lexington, KY 40507

Dennis G. Howard, II
Assistant Attorney General
Office of the Attorney General
Office of Rate Intervention
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

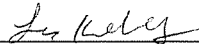
Kent W. Blake
Vice President, State Regulations & Rates
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220 West Main Street
Louisville, KY 40202

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Louisville, KY 40202-2828

Allyson K. Sturgeon
Corporate Counsel
E.ON U.S. Services, Inc.
220 West Main Street
Louisville, KY 40202

Robert L. Madison
5407 Baywood Drive
Louisville, Kentucky 40241-1318

On this the 22nd day of August, 2007



Lisa Kilkelly

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
AUG 23 2007
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)
_____)

**OBJECTION OF PEOPLE ORGANIZED AND WORKING FOR ENERGY
REFORM AND ASSOCIATION OF COMMUNITY MINISTRIES, INC. TO
FULL INTERVENTION BY ROBERT L. MADISON AND TO DATA REQUESTS
OF ROBERT L. MADISON**

Joint Applicants People Organized and Working for Energy Reform (“POWER”) and Association of Community Ministries, Inc. (“ACM”), by counsel, hereby object to the Request of Robert L. Madison (“Mr. Madison”) for Full Intervention and to the Data Requests of Robert L. Madison.

A. THE COMMISSION SHOULD DENY MR. MADISON’S REQUEST FOR FULL INTERVENTION

Commission regulations require that a person seeking full intervention in a Commission matter submit a request for full intervention in writing, which shall specify his interest in the proceeding.¹ Intervention shall be granted

(i)f the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by 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...²

¹ 807 KAR 5:001, Section 3(8).

² *Id.*

Mr. Madison's request for intervention does not meet the criteria set forth in the regulation. In the first place, Mr. Madison does not demonstrate a special interest in this proceeding, which is not otherwise adequately represented. As an electric only residential customer of LG&E, Mr. Madison's interest is represented by the Attorney General of Kentucky, who has the statutory right and obligation to represent consumers' interests before regulatory bodies.³ Mr. Madison has not asserted any additional interest that would support his request for intervention.

The information Mr. Madison presents in his request does not show that he is likely to present issues or develop facts that will assist the Commission in fully considering this matter without unduly complicating or disrupting the proceedings. Mr. Madison states that he has previously intervened in Commission matters.⁴ However, he fails to mention that the Commission has also denied his requests to intervene in other Commission matters, including Administrative Case No. 2004-00304, which was the most recent LG&E Home Energy Assistance case.⁵ In denying Mr. Madison's request for full intervention, the Commission specifically found that he

is not likely to present issues or develop facts that will assist the Commission in fully considering this case without unduly complicating or disrupting the proceedings. Further, Mr. Madison has not alleged any interest in this proceeding that differs from that of any other residential customer of LG&E.⁶

In the 2004 HEA Case, the Commission ultimately denied Mr. Madison even limited intervention, finding that "based on his pleadings, it is clear that Mr. Madison is

³ KRS 367.150(8).

⁴ Request of Robert L. Madison for Full Intervention at 1.

⁵ In the Matter of Joint Application of Louisville Gas and Electric Company, Metro Human Needs Alliance, Inc., People Organized and Working for Energy Reform, and Kentucky Association for Community Action, Inc., for the Establishment of a Home Energy Assistance Program, Case No. 2004-00304 ("2004 HEA Case").

⁶ Case No. 2004-00304, Order at 2 (August 25, 2004).

either unable or unwilling to conform to the restrictions imposed upon a limited intervenor.”⁷

In his request to intervene in the current case, Mr. Madison has not identified any new, relevant issues that will help the Commission to fully consider the Joint Application. It is likely that if the Commission were to grant Mr. Madison’s intervention and allow his data requests, these proceedings, which are on a short procedural schedule, would be delayed.

B. MR. MADISON IS NOT ENTITLED TO ISSUE DATA REQUESTS

Mr. Madison mailed data requests to POWER and ACM on August 17, 2007. POWER and ACM object to these data requests because he is not a party to this case. As the Commission made clear in the 2004 HEA Case, those who are limited intervenors have extensive restrictions on their participation in cases before the Commission, and they are not entitled to issue data requests.⁸ If Mr. Madison did not have the right as a limited intervenor to issue data requests, then he certainly does not have the right to do so as a non-party to the case. POWER and ACM should not be required to respond to data requests which are not authorized by law or by order of the Commission.

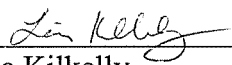
WHEREFORE, POWER and ACM respectfully request that the Commission:

1. Deny Mr. Madison’s Request for Full Intervention and
2. Issue an order specifying that POWER and ACM not be required to respond to Mr. Madison’s data requests dated August 17, 2007.

⁷ In the Matter of Joint Application of Louisville Gas and Electric Company, Metro Human Needs Alliance, Inc., People Organized and Working for Energy Reform, and Kentucky Association for Community Action, Inc., for the Establishment of a Home Energy Assistance Program, Case No. 2004-00304. Order at 4 (September 30, 2004)

⁸ Case No 2004-00304, Order at 2 (September 17, 2004).

Respectfully submitted



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Attorney for POWER and ACM