

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES	)	
COMPANY FOR AN ADJUSTMENT OF BASE	)	CASE NO.
RATES	)	2009-00548

O R D E R

Before the Commission are petitions to intervene filed by Carla Butler, Lovell Foushee, Richard Fox, Matthew Granderson, Benjamin Lookofsky, and John Thompson (collectively "Petitioners"). Petitioners state that they should be entitled to intervene in this matter due to their status as customers of Kentucky Utilities Company ("KU"). With the exception of the Foushee petition, KU has filed responses objecting to these intervention requests.

The only person entitled to intervene as a matter of right is the Attorney General ("AG"), pursuant to KRS 367.150(8)(b). The AG petitioned for full intervenor status in this case, noting in his motion that KRS 367.150(8) "grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky to represent consumers' interests."<sup>1</sup> The AG's petition was granted by the Commission's Order dated February 19, 2010. Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>2</sup>

---

<sup>1</sup> AG's Motion to Intervene at 1.

<sup>2</sup> Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky, 407 S.W.2d 127, 130 (Ky. 1996).

In exercising its discretion to determine permissive intervention, the Commission follows its regulation, 807 KAR 5:001, Section 3(8). That regulation requires a person seeking intervention to file a request in writing which "shall specify his interest in the proceeding." That regulation further provides that:

If 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, such person shall be granted full intervention.<sup>3</sup>

It is under these statutory and regulatory criteria that the Commission reviews a motion to intervene.

In their requests, Petitioners do not articulate a special interest in this proceeding, only a general interest that they share in common with all other KU customers. In addition, Petitioners have not shown that they are likely to present issues or to develop facts that will assist the Commission in resolving this matter. Regarding Petitioners' status as utility customers of KU, the Commission finds that the AG, pursuant to KRS 367.150(8), will duly represent the interests of all KU customers in this matter. Because the requisites of 807 KAR 5:001, Section 3(8), have not been satisfied, the Commission will deny Petitioners' request for intervention.

Petitioners will have ample opportunity to participate in this proceeding even though they have not been granted intervenor status. Petitioners can review all documents filed in this case and monitor the proceedings via the Commission's website at the following web address:

---

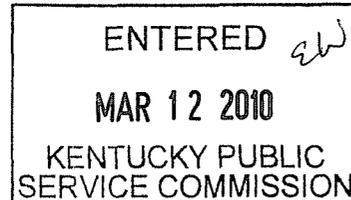
<sup>3</sup> 807 KAR 5:001, Section 3(8)(6).

<http://psc.ky.gov/Home/Library?type=Cases&folder=2009%20cases/2009-00548>.

Petitioners may also file comments as frequently as they choose, and those comments will be entered into the record of this case. Finally, petitioners may also attend and present public comment at the public meetings which will be scheduled in the future in KU's service territory.

IT IS THEREFORE ORDERED that the petitions to intervene are denied.

By the Commission



ATTEST:

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

Lonnie E Bellar  
E.ON U.S. LLC  
220 West Main Street  
Louisville, KY 40202

Iris G Skidmore  
415 W. Main Street, Suite 2  
Frankfort, KY 40601

Honorable David C Brown, Esq.  
Attorney at Law  
Stites & Harbison, PLLC  
1800 Providian Center  
400 West Market Street  
Louisville, KY 40202

Honorable Allyson K Sturgeon  
Senior Corporate Attorney  
E.ON U.S. LLC  
220 West Main Street  
Louisville, KY 40202

Honorable Frank F Chuppe  
Attorney  
Wyatt, Tarrant & Combs, LLP  
500 West Jefferson Street  
Suite 2800  
Louisville, KY 40202-2898

Honorable Robert M Watt, III  
Attorney At Law  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KY 40507-1801

Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KY 40601-8204

Honorable Gardner F Gillespie  
Attorney at Law  
Hogan & Hartson, L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20004-1109

Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OH 45202

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