

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

Application of Water Service Corporation)
of Kentucky for an Adjustment of Rates) Case No. 2010-00476
)

RESPONSE TO MOTION TO INTERVENE BY THE CITY OF CLINTON

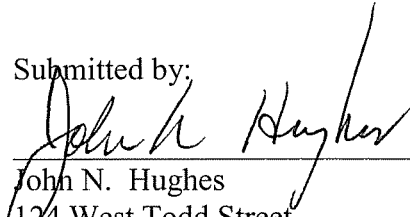
Water Service Corporation of Kentucky (WSCK), by counsel, objects to the request to intervene by the city of Clinton. 807 KAR 5:001(3)(8) requires the person seeking intervention to demonstrate “a special interest in the proceeding which is not otherwise adequately represented or that full intervention 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.” The city’s only stated interest in this matter relates to its sewer rate. The city does not allege that it has any interest in the proposed rate except as to the impact on sewer customers’ rates. The rates charged by the city for sewer service are controlled exclusively by the city. Whether they are raised or lowered, too high or subsidized by other local revenues is not a matter for the Commission.

The Commission specifically rejected any authority over the sewer rates in the applicant’s prior rate case, Case No. 2008-00563. On page 29 of the final order in that case, the Commission said that it has no jurisdiction over the Clinton sewer facilities or operations and that the sewer rates developed by the city have no impact on Water Service’s revenue requirement for water rates. Nothing has changed since that prior case. The sewer rates charged by the city are set by the city and are unregulated by this Commission. The contract among the city and Water Service for sewer services is not regulated by the Commission.

Because the city has not expressed any basis for intervention, it should not be allowed to raise an issue that is not relevant to the case and which, if allowed to be raised, will only delay and complicate the issues directly related to the proposed rate adjustment.

For these reasons, the request by the city of Clinton to intervene should be denied.

Submitted by:



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Certificate of Service:

A copy of this motion was mailed to David Spenard of the Attorney General's Office, 1024 Capital Center Dr, Frankfort, KY 40601, Leanna Wilkerson, 300 5th St., Fulton, KY 42041 the 11th day of April, 2011 by first class mail.



John N. Hughes