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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)
ELECTRIC COMPANY FOR CERTIFICATES OF) CASE NO.
PUBLIC CONVENIENCE AND NECESSITY AND) 2011-00162
APPROVAL OF ITS 2011 COMPLIANCE PLAN)
FOR RECOVERY BY ENVIRONMENTAL)
SURCHARGE)

MOTION OF METROPOLITAN HOUSING COALITION
FOR FULL INTERVENTION

Comes the Metropolitan Housing Coalition (MHC), by and through counsel, on behalf of members who are directly affected and may be adversely affected by this matter, and respectfully moves to intervene into the above-captioned proceeding as a full party. Pursuant to 807 Kentucky Administrative Regulation (“KAR”) 5:001 Section 3(8), MHC respectfully requests that it be accorded the rights and privileges of a full intervenor in these proceedings, and in support thereof, states as follows:

1. Intervention in formal proceedings before the Kentucky Public Service Commission (“Commission”) is governed by 807 KAR 5:001 Section 3(8), which provides in relevant part that:

In any formal proceeding, any person who wishes to become a party to a proceeding before the Commission may by timely motion request that he be granted leave to intervene. Such motion shall include his name and address and the name and address of any party he represents and in what capacity he is employed by such party.

807 KAR 5:001 Section 3(8).

2. MHC is a nonprofit, nonpartisan membership organization incorporated under the laws of the Commonwealth of Kentucky in 1989 and comprised of over 190

individual members and 200 member organizations. MHC members include representatives of low-income households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, as well as other advocacy groups, advocating in a united voice for fair, safe, and affordable housing in the Metro Louisville area. For over two decades, the MHC has utilized the public and private resources of the Metro Louisville community to provide equitable, accessible housing choices for all persons through advocacy, public education, and through support for affordable housing providers.

3. This motion for full intervention is timely, within the meaning of 807 KAR 5:001 Section 3(8). The motion is filed within 13 days of the June 2, 2011 filing of the application by LG&E. That filing was deemed deficient and was rejected by letter dated June 14, 2011, and no procedural schedule has yet been adopted by the Commission. MHC will accept the schedule when it is adopted by the Commission, thus there is no prejudice to the applicant or other parties from the grant of full intervenor status to MHC.

4. The grant of intervention to a person pursuant to 807 KAR 5:001 Section 3(8) is within the sound discretion of the Commission, and requires that the person “specify his interest in the proceeding.”

5. As part of its mission, MHC has focused on energy costs as part of fair and affordable housing for many years. Utility costs are a significant component of affordable shelter, and on these issues MHC has done research, effectively advocated for policy changes, represented non-profit affordable housing developers, and worked with local and statewide organizations. MHC’s Director, Cathy Hinko, was an original board member of the Affordable Energy Corporation and continues to serve on that board.

MHC has been an active member of the LG&E Customer Care Advisory Group since the program's inception and is also on the Community Winter Help Board.

6. MHC has a \$1.3 million dollar loan pool for non-profit developers to create affordable housing, whether rental or owner-occupied, new or rehabilitated. Utility costs are an increasing challenge in developing affordable housing, and MHC has an interest in assuring that the costs associated with the proposed certificates of public convenience and necessity and the 2011 Compliance Plan are prudent and necessary, will avoid wasteful duplication, and that the allocation of the costs within and among classes of ratepayers is appropriate. This interest is different than the general public interest, inasmuch as MHC is working to serve the housing needs of low- and fixed-income individuals for whom increases in utility costs constitute a significant challenge in light of their limited income relative to the average utility customer.

7. Existing parties to the proceeding do not adequately represent the interests of MHC and its members. While there is some overlapping of the population represented by low-income utility ratepayer advocates and service providers and the MHC, no current party represents the specific perspective and interests in electric utility costs on those needing **and** those providing affordable housing.

8. 807 KAR 5:001 Section 1(8)(b) provides in the alternative that the Commission shall grant full intervention status if the person "has special interests in the proceeding which is not otherwise adequately represented" or "that full intervention by party (sic) is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceeding[.]" The special interests of MHC and its members in the nexus between utility costs and safe and

affordable housing are squarely within the ambit of the Commission's jurisdiction and this proceeding and are not adequately represented, as discussed above.

9. Alternatively, full intervention should be granted since the participation of MHC would assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding. The participation of MHC will hopefully assist the Commissioners in determining whether and on what terms the application for certificates of public convenience and necessity and the 2011 Compliance Plan should be modified and continued and the program costs allocated.

WHEREFORE, for the reasons stated above and in the interests of assuring that those constituencies most significantly and directly affected by electric utility policies, programs, rates and service are heard during this deliberative process, because the special interests of MHC and its member ratepayers are not adequately represented by existing parties or parties that have filed for intervenor status, and in order to provide information that will assist the Commission in fully considering the matter, Movant MHC requests, on behalf of its member ratepayers, that it be accorded the status of full Intervenor, and that each party to the case be directed to serve upon MHC and the undersigned counsel, all pleadings and information requests that are filed in this case.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that an original and ten (10) copies of this Motion of the Metropolitan Housing Coalition for Full Intervention were filed by priority mail to the Docket Clerk, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601 and that a true and accurate copy of the foregoing was mailed via first class U.S. Mail, postage prepaid, this 15th day of June, 2011, to the following:

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