

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                   |   |            |
|-----------------------------------|---|------------|
| APPLICATION OF KENTUCKY UTILITIES | ) | CASE NO.   |
| COMPANY FOR AN ADJUSTMENT OF ITS  | ) | 2012-00221 |
| ELECTRIC RATES                    | ) |            |

O R D E R

On June 18, 2012, John Thompson (“Petitioner”) filed a letter, which will be treated as a petition, requesting authorization to intervene in this case. Petitioner states that he is not represented by the Kentucky Attorney General’s Office and that he should be granted intervention in this matter “to oppose and deny any rate increase” to Kentucky Utilities Company (“KU”). Petitioner does not state that he is a customer of KU, but he does have an address in Lexington, Kentucky. On June 25, 2012, KU filed a response objecting to Petitioner’s request to intervene.

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

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

Commission's Order dated June 27, 2012. Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>2</sup>

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."<sup>3</sup> 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>4</sup>

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

In his request, Petitioner does not articulate a special interest in this proceeding. However, based on his address, we assume that he is a customer of KU. Thus, his only interest is as a ratepayer, and that is a general interest that he shares in common with all other KU customers. In addition, Petitioner has not shown that he is likely to present issues or to develop facts that will assist the Commission in resolving this matter. Regarding Petitioners' assumed status as a utility customer of KU, the Commission finds that the AG, pursuant to KRS

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<sup>2</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

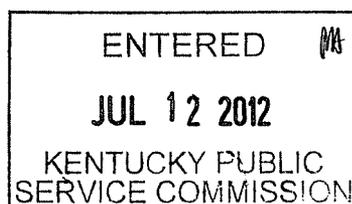
<sup>3</sup> 807 KAR 5:001, Section 3(8)(b).

<sup>4</sup> *Id.*

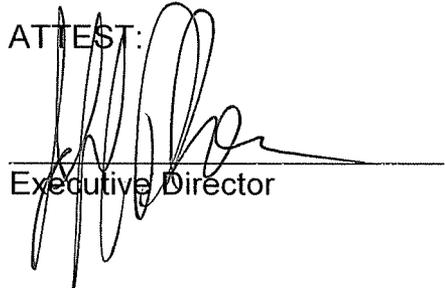
367.150(8), will duly represent the interests of all KU customers in this matter. Because the requisites of 807 KAR 5:001, Section 3(8), have not been satisfied, the Commission will deny Petitioner's request for intervention. Petitioner will have ample opportunity to participate in this proceeding even though he has not been granted intervenor status. Petitioner can review all documents filed in this electronic case and monitor the proceedings via the Commission's website at the following web address: [http://psc.ky.gov/efs/efs\\_search.aspx?case=2012-00221](http://psc.ky.gov/efs/efs_search.aspx?case=2012-00221). Petitioner may also file comments as frequently as he chooses, and his comments will be entered into the record of this case. All members of the public also may be afforded an opportunity to address the Commission in person, either immediately prior to any evidentiary hearing in this matter or in any meetings the Commission schedules for the express purpose of receiving public comments.

IT IS THEREFORE ORDERED that Mr. Thompson's petition to intervene is denied.

By the Commission



ATTEST:

  
Executive Director

Case No. 2012-00221

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