

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR AN ADJUSTMENT OF)	CASE NO.
ITS ELECTRIC RATES AND FOR CERTIFICATES)	2016-00370
OF PUBLIC CONVENIENCE AND NECESSITY)	

ORDER

This matter is before the Commission upon the motion of the Kentucky League of Cities (“KLC”) requesting intervention in this proceeding. In support of its motion, KLC states that it is a non-profit membership organization serving more than 380 Kentucky cities as well as municipal agencies. KLC identified the following members as receiving service from Kentucky Utilities Company (“KU”): Middlesboro, Williamsburg, Corbin, London, Somerset, Columbia, Richmond, Winchester, Mt. Sterling, Flemingsburg, Maysville, Versailles, and Paducah. KLC states that it has a special interest in this proceeding because KU’s lighting tariffs impact cities throughout KU’s territory and KLC and its members have a particular interest in the rates charged under these tariffs. KLC also states that the proposed changes to rate allocation methods will have a great impact upon its members’ costs and policy decisions. Citing the diversity of its memberships’ size, population, infrastructure, and geographic location, KLC avers that the interests of its members cannot be adequately represented by any other party to this proceeding. Lastly, KLC asserts that its intervention is likely to present issues and develop facts that will assist the Commission in fully considering this matter without unduly complicating or disrupting the proceedings.

On December 29, 2016, KU filed a response objecting to KLC request to intervene. KU contends that KLC's motion fails to demonstrate a special interest in this proceeding that is not otherwise adequately represented by other parties and further fails to show that KLC will identify any relevant issues or develop relevant facts that will assist the Commission in the resolution of this matter without unduly complicating and disrupting the proceeding. KU argues that KLC failed to provide an unqualified list of its members taking service from KU that KLC would be representing in this matter. KU also argues that KLC has not identified a special interest that is not already represented, given that the city of Lexington is an intervenor in this matter. KU further points out that it is not proposing any changes to its Lighting Energy Service rate, which encompasses certain street lighting equipment and facilities.

On January 3, 2017, KLC filed a reply in support of its motion to intervene. With respect to its member cities that KLC will be representing in this matter, KLC states that it represents all KLC member cities receiving service from KU, except for the city of Lexington, and specifically identifies the cities of Middlesboro, Williamsburg, Corbin, London, Somerset, Columbia, Richmond, Winchester, Mt. Sterling, Flemingsburg, Maysville, Versailles, and Paducah as those KLC members that it will be representing herein. KLC contends that under KU's proposed loss-of-load probability methodology, Lighting Energy Service and Traffic Energy Service tariffs would generate the two highest rates of return relative to the other KU rate schedules. KLC points out that those two rates of return are greatly in excess of the total system rate of return under the loss-of-load probability method. Lastly, KLC maintains that its participation will assist the Commission as KLC intends to address numerous aspects of KU's

application, including the proposed rates of return, the proposed revenue increase, and the proposed cost-of-service study; and that KLC will address those issues through formal direct testimony and discovery.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that KLC has established that it has a special interest in this proceeding that is not otherwise adequately represented by another party to this proceeding. The Commission also finds that KLC intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Accordingly, we find that KLC should be granted full intervention in this proceeding.

IT IS HEREBY ORDERED that:

1. The motion of KLC to intervene is granted.
2. KLC shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. KLC shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, KLC shall file a written statement with the Commission that:
 - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
 - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

By the Commission

ENTERED
JAN 11 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2016-00370

*Andrea C Brown
Lexington-Fayette Urban County Government
Department Of Law
200 East Main Street
Lexington, KENTUCKY 40507

*Cheryl Winn
Waters Law Group, PLLC
12802 Townepark Way, Suite 200
Louisville, KENTUCKY 40243

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Allyson K Sturgeon
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable David J. Barberie
Managing Attorney
Lexington-Fayette Urban County Government
Department Of Law
200 East Main Street
Lexington, KENTUCKY 40507

*Janice Theriot
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

*Honorable Iris G Skidmore
415 W. Main Street
Suite 2
Frankfort, KENTUCKY 40601

*Don C A Parker
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Barry Alan Naum
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Gregory T Dutton
Goldberg Simpson LLC
9301 Dayflower Street
Louisville, KENTUCKY 40059

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

*Carrie M Harris
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Gardner F Gillespie
Sheppard Mullin Richter & Hampton LLP
1300 I Street NW
11th Floor East
Washington, DISTRICT OF COLUMBIA 20005

*Kent Chandler
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Joe F Childers
Joe F. Childers & Associates
300 Lexington Building
201 West Short Street
Lexington, KENTUCKY 40507

*James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Carrie A Ross
Sheppard Mullin Richter & Hampton LLP
1300 I Street NW
11th Floor East
Washington, DISTRICT OF COLUMBIA 20005

*Janet M Graham
Commissioner of Law
Lexington-Fayette Urban County Government
Department Of Law
200 East Main Street
Lexington, KENTUCKY 40507

*Laurence J Zielke
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

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

*Paul Werner
Sheppard Mullin Richter & Hampton LLP
1300 I Street NW
11th Floor East
Washington, DISTRICT OF COLUMBIA 20005

*Rebecca W Goodman
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Honorable Robert C Moore
Attorney At Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Robert Conroy
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Kentucky Utilities Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507