

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BLUEGRASS)	
WATER UTILITY OPERATING COMPANY, LLC)	CASE NO.
FOR AN ADJUSTMENT OF RATES AND)	2020-00290
APPROVAL OF CONSTRUCTION)	

ORDER

This matter arises from an application for a rate increase and approval of construction filed by Bluegrass Water Utility Operating Company, LLC (Bluegrass Water). Between October 6, 2020, and December 6, 2021, individual residential customers filed 100 comments and letters that were either titled as “Request for Intervention” or otherwise could have been interpreted as a request to intervene in this matter. A list of the customers who made such requests and the dates of their requests is attached as an Appendix to this Order.

The Attorney General is the only person with a statutory right to intervene in a case before the Commission.¹ The Commission’s regulations allow other parties to intervene pursuant to 807 KAR 5:001, Section 4(11)(a), which states, in relevant part:

A person who wishes to become a party to a case before the commission may, by timely motion, request leave to intervene.

1. The motion shall include the movant's full name, mailing address, and electronic mail address and shall state his or

¹ Case No. 2017-00179, *Electronic Application of Kentucky Power Company for (1) A General Adjustment of its Rates for Electric Service; (2) An Order Approving Its 2017 Environmental Compliance Plan; (3) An Order Approving Its Tariffs and Riders; (4) An Order Approving Accounting Practices to Establish Regulatory Assets and Liabilities; and (5) An Order Granting all Other Required Approvals and Relief*, (Ky. PSC Aug. 3, 2017), Order at 1.

her interest in the case and how intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings. . . .

Motions to intervene must be served on the other parties to an action pursuant to 807 KAR 5:001, Section 4(8), and proof of service must be filed pursuant to 807 KAR 5:001, Section 6. Motions to intervene are granted based upon the timely filing of a motion to intervene, pursuant to the rules established by the Commission, and a finding that the person seeking intervention has a special interest in the case that is not otherwise adequately represented or 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.²

Most of the individual residential customers do not appear to be requesting to participate as parties in the case. While most of the requests are titled as a “Request for Intervention,” they do not actually ask to intervene in the body of request. In fact, a number of the “Requests for Intervention” ask only that the Commission “intervene” to prevent Bluegrass Water from implementing the proposed rate, which they argue is unreasonable. Even requests that could be read as actually asking to intervene in the matter do not make any argument to justify their intervention and do not comply with the requirements of 807 KAR 5:001, Section 4(8), Section 4(11)(a), or Section 6. Thus, having reviewed the record and being otherwise sufficiently advised, the individual residential customers failed to establish that they are entitled to intervene 807 KAR 5:001, Section 4(8), Section 4(11).

² See 807 KAR 5:001, Section 4(11)(b)(discussing the standard for intervention).

However, although they have not been granted intervention, the individual residential customers will still have the opportunity to continue to participate in this matter. Specifically, they can review all public documents filed in this case and monitor the proceedings via the Commission's website³ and may file comments as frequently as they choose, and those comments will be entered into the record of this case pursuant to 807 KAR 5:001, Section 4(11)(e). Further, because the individual residential customers have not been granted intervention, the Commission will treat the filings they have already made as a written public comment to be included in the record of this case. Lastly, the Commission notes that a number of the individuals who filed the "Requests for Intervention" are residents of neighborhoods whose homeowners association has been permitted to intervene on their behalf through counsel.

IT IS THEREFORE ORDERED that the requests to intervene filed by the individual residential customers identified herein are denied.

³ The webpage for this case is: <https://psc.ky.gov/Case/ViewCaseFilings/2020-00290>

By the Commission



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00290 DATED FEB 05 2021

	<u>NAME</u>	<u>DATE OF REQUEST</u>
1.	Stephen P. Lanphierd	October 6, 2020
2.	Kathleen Taggett	October 6, 2020
3.	Jourdain Sowle	October 6, 2020
4.	Makayla Purviance	October 7, 2020
5.	Donna Arrowood	October 8, 2020
6.	Julie Antoni	October 8, 2020
7.	Robert Spalding	October 8, 2020
8.	Jana Hackathorn	October 8, 2020
9.	Johnnie Terry	October 8, 2020
10.	Amy Kempf	October 8, 2020
11.	William St. Croix	October 8, 2020
12.	Will Yarbrough	October 9, 2020
13.	Robert Dozier	October 9, 2020
14.	Chad Patterson	October 9, 2020
15.	Douglas Glenn	October 9, 2020
16.	Walter Madaris	October 9, 2020
17.	Douglas and Bethani Wright	October 9, 2020
18.	Gayle Woods	October 9, 2020
19.	Nathan M. Lorenz	October 9, 2020
20.	Tammy Nichols	October 12, 2020
21.	Kevin and Carmen Hoggard	October 12, 2020
22.	Scott Hall	October 12, 2020
23.	Tim and Suzannah Kiper	October 12, 2020
24.	John K. Spalding	October 13, 2020
25.	David Hollinger	October 13, 2020
26.	Joseph Mohr	October 14, 2020
27.	Lyle E. Willis	October 14, 2020
28.	John and Donna Coyle	October 14, 2020
29.	Jason and Crystal Rowe	October 14, 2020
30.	Lawren A. Just	October 14, 2020
31.	Cindy Rausch	October 14, 2020
32.	Alan and Kathleen Attaway	October 14, 2020
33.	Heather Rudd	October 15, 2020
34.	Marilyn Terry	October 15, 2020
35.	Tommy and Darlene Furlong	October 15, 2020
36.	Kevin and Kathy Bolger	October 16, 2020
37.	Susan Kirby-Spellman	October 16, 2020
38.	Paul A. Winter and Janice M. Butters	October 16, 2020
39.	Tony Thompson	October 19, 2020

40.	Billy Bard	October 19, 2020
41.	Traci Hedden-Morreau	October 19, 2020
42.	Brian and Debbie Bard	October 19, 2020
43.	David Forbis	October 19, 2020
44.	Arthur Bailey	October 19, 2020
45.	Dennis and Janis Morgan	October 19, 2020
46.	Nick and Holly Richardson	October 19, 2020
47.	Gary Esterle	October 19, 2020
48.	Seth and Melissa Tackett	October 20, 2020
49.	Glen Nunn	October 20, 2020
50.	Jose and Megan Huerta	October 23, 2020
51.	Mitch Buchanan	October 23, 2020
52.	Joe and Shellie Blanford	October 23, 2020
53.	Scott Bell	October 23, 2020
54.	Misty Davis	October 23, 2020
55.	Joe and Dottie Kuhr	October 23, 2020
56.	Timothy A. Williams	October 26, 2020
57.	Cindy Williams	October 26, 2020
58.	Mike and Ginger Adkins	October 26, 2020
59.	Jay C. Williams	October 26, 2020
60.	Dianne Frederick	October 26, 2020
61.	Vince and Nicole Poma	October 27, 2020
62.	Kevin Lilly	October 27, 2020
63.	Tom N. and Mary M. Jones	October 27, 2020
64.	Richard and Kathleen Schultz	October 27, 2020
65.	Judy Adams	October 27, 2020
66.	Lacey Duckett	October 27, 2020
67.	Kay DeVincentis	October 27, 2020
68.	Larry Lilly	October 27, 2020
69.	Sarah Goodman	October 29, 2020
70.	Mike and Elaine Murphy	October 29, 2020
71.	June Sherlock	October 29, 2020
72.	Larry and Cheryl Heavrin	November 2, 2020
73.	Constance Smith	November 2, 2020
74.	Stephani and Christopher Francis	November 2, 2020
75.	Chris Adams	December 2, 2020
76.	Austin Zirbes	December 2, 2020
77.	Quint Chapman	December 3, 2020
78.	Sandra and Anthony Osborne	December 4, 2020
79.	Velma and Donald Claycomb Jr	December 4, 2020
80.	Michael Caines	December 8, 2020
81.	Dale and Sarah Brenaman	December 8, 2020
82.	Sheri H. Scott	December 8, 2020
83.	Kayla Nicoke Smith	December 8, 2020
84.	Julia Berry	December 8, 2020
85.	Brian Shelton	December 9, 2020

86.	Stacie Hoskins	December 11, 2020
87.	Jonathon and Emily Palmer	December 14, 2020
88.	Janice True	December 16, 2020
89.	Angela Castle	December 16, 2020
90.	Belva A. Wilkerson	December 17, 2020
91.	Sheila and Curt Myers	December 17, 2020
92.	Ross and Michelle Barnette	December 17, 2020
93.	Edward and Ann Heller	December 17, 2020
94.	Peter and Debbie Wdowiarz	December 17, 2020
95.	Michael and Joyce Noonan	December 17, 2020
96.	Nathan and Stefany Head	December 17, 2020
97.	J. Donald and Nancilyn L. Smothers	December 17, 2020
98.	Ed Easterly	December 17, 2020
99.	Rachelle Schjoll	December 17, 2020
100.	Edward Howell	December 18, 2020

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