

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR AN ADJUSTMENT)	
OF ITS ELECTRIC RATES, A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	CASE NO.
TO DEPLOY ADVANCED METERING)	2020-00349
INFRASTRUCTURE, APPROVAL OF CERTAIN)	
REGULATORY AND ACCOUNTING)	
TREATMENTS, AND ESTABLISHMENT OF A)	
ONE-YEAR SURCREDIT)	

ORDER

The matter is before the Commission upon the five separate requests of residential customers of Kentucky Utilities Company (KU) to intervene in the instant matter. These separate requests were filed on January 11, 2021,¹ and January 7, 2021.² These requests appear to be on a form letter and all expressed similar grounds for intervention. In particular, the requests identified the individuals as being customers of KU and ask that KU's proposed rate increase be denied. These requests appear to use the same form letter as the 24 requests for intervention that were filed by individual KU customers between December 28, 2020, and January 4, 2021, and which were denied intervention by Commission Order on January 6, 2021.

In its response to the original 24 requests for intervention by individual customers, KU recommended that the 24 requests be denied, and that any comparable future

¹ Larry Brock filed a request for intervention on January 11, 2021.

² The following four individuals filed requests for intervention on January 7, 2021: Susan Brammell, Genna Sadler, Larry Palmisano, and William Lannum.

requests for intervention made by individual customers using the same form letter be denied.³

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that the only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky (Attorney General), pursuant to KRS 367.150(8)(b). The Commission notes that the Attorney General has been granted intervention in this matter. Intervention by all others is permissive and is within the sole discretion of the Commission.⁴ The Kentucky Court of Appeals has held that the Commission's discretion to grant or deny a motion for intervention is not unlimited, and has enumerated the limits on the Commission's discretion, with one arising under statute, the other under regulation.⁵ The statutory limitation, KRS 278.040(2), requires that "the person seeking intervention must have an interest in the 'rates' or 'service' of a utility, since those are the only two subjects under the jurisdiction of the PSC."⁶

The regulatory limitation is set forth in 807 KAR 5:001, Section 4(11)(a), which requires a person to demonstrate either (1) a special interest in the proceeding which is not otherwise adequately represented in the case, or (2) that intervention is likely to

³ Kentucky Utilities Company Objection to Certain Individual Requests for Intervention (filed Jan. 4, 2021).

⁴ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

⁵ *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007).

⁶ *Id.* at 3.

present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

In reviewing the pending requests to intervene, we find that each of these requests fail to articulate that each individual residential customer has a special interest in this proceeding. The Commission further finds that the requesting residential customers have not shown that they are likely to present issues or to develop facts that will assist the Commission in resolving this matter. Lastly, the Commission also finds that these requests were not timely filed as the current procedural schedule established a December 23, 2020 deadline for requesting intervention in this matter.

Each of the requesting residential customers will have an opportunity to participate in this proceeding even though they are not granted intervenor status. The requesting residential customers can review all public documents filed in this case and monitor the proceedings via the Commission's website at the following web address: https://psc.ky.gov/PSC_WebNet/ViewCaseFilings.aspx?Case=2020-00349. In addition, the requesting residential customers may file comments as frequently as they choose, and those comments will be entered into the record of this case.

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

By the Commission



ATTEST:



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