

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE)	
GAS AND ELECTRIC COMPANY FOR AN)	
ADJUSTMENT OF ITS ELECTRIC AND GAS)	
RATES, A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY TO DEPLOY)	2020-00350
ADVANCED METERING INFRASTRUCTURE,)	
APPROVAL OF CERTAIN REGULATORY AND)	
ACCOUNTING TREATMENTS, AND)	
ESTABLISHMENT OF A ONE-YEAR SURCREDIT)	

ORDER

The matter is before the Commission upon a request of Clarence D. Priddy to intervene in the instant matter. Mr. Priddy's requests intervention in order to ask that Louisville Gas and Electric Company's (LG&E) proposed rate increase be denied. LG&E subsequently filed a response, asserting that Mr. Priddy's intervention request should be denied.

Having reviewed the request 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.¹ The Kentucky Court of

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

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.² 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."³

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 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 request to intervene, we find that Mr. Priddy's request fails to articulate that he has a special interest in this proceeding. The Commission further finds that the request has not established that Mr. Priddy is likely to present issues or to develop facts that will assist the Commission in resolving this matter. Accordingly, we find that Mr. Priddy's request for intervention should be denied.

Mr. Priddy will have an opportunity to participate in this proceeding even though he is not granted intervenor status. Mr. Priddy can review all public documents filed in this case and monitor the proceedings via the Commission's website at the following web address: http://psc.ky.gov/PSC_WebNet/ViewCaseFilings.aspx?case=2020-00350. In

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

³ *Id.* at 3.

addition, Mr. Priddy may file comments as frequently as he chooses, and those comments will be entered into the record of this case.

IT IS THEREFORE ORDERED that the motion to intervene filed by Mr. Priddy is denied.

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By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Bidwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

Case No. 2020-00350

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