

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BLUEGRASS	)	CASE NO.
WATER UTILITY OPERATING COMPANY, LLC	)	2022-00432
FOR AN ADJUSTMENT OF SEWAGE RATES	)	

ORDER

This matter arises from 39 letters filed by 37 individual residential customers who take service from Bluegrass Water Utility Operating Company, LLC (Bluegrass Water) that were either titled “request to intervene” or otherwise could have been interpreted as a request to intervene in this matter. The requests were filed between March 1, 2023, and April 14, 2023, by the persons identified below.

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General has intervened in this matter.

Intervention by all others is permissive and within the sole discretion of the Commission.<sup>1</sup> The regulatory standard for permissive intervention, set forth in 807 KAR 5:001E, Section 4, is twofold. Commission regulation 807 KAR 5:001E, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the

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

proceeding that 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.

REQUESTS TO INTERVENE

The Commission received requests to intervene from the following persons on the dates noted below:

<b>Name</b>	<b>Date</b>
Gavin Williams	March 1, 2023
Douglas Evans	March 3, 2023
Becca Atkins	March 6, 2023
LuAnn and Charlie Harper	March 6, 2023
Walter Madaris	March 7, 2023
Larry Averitt	March 7, 2023
Delia Dominguez	March 7, 2023
Madalynn Wolfe Davis	March 7, 2023 March 13, 2023
Janice Robertson	March 8, 2023
Terri Parris	March 8, 2023
Jennifer Shather	March 8, 2023
Nicole Russell	March 8, 2023
Allan Coldiron	March 8, 2023
Eileen Baker	March 8, 2023
Heather Stout	March 10, 2023
Robert Evans	March 10, 2023
Nathan Head	March 10, 2023
Michael Caines	March 13, 2023
Elisabeth Harper	March 13, 2023
Kathy Hackney	March 13, 2023
William Daughtery	March 13, 2023
Brian Shelton	March 13, 2023
Bryant Nicoson	March 13, 2023
Tammy Chambers	March 13, 2023
Alexander Stacy	March 16, 2023

William Daniel	March 16, 2023
James E. Dodge	March 16, 2023
Martin Carpenter	March 16, 2023
Heather J. Campbell	March 20, 2023
Carl and Lori Wasbutsky	March 20, 2023
James Goldsmith	March 20, 2023
Angela Costello	March 23, 2023
Sheri H. Scott	March 23, 2023 March 27, 2023
Randall and Connie Preston	March 24, 2023
Ricky and Lisa Alcorn	March 24, 2023
Janet L. Bays	March 27, 2023
Laura McEachern	April 14, 2023

While letters filed by all the above customers contained a statement requesting to intervene, none of the requests addressed whether the requestor had a special interest or was likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings.

#### DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that the above-named persons have failed to demonstrate that they have a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that they likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings, for the reasons discussed below.

Thirty-seven of the 39 letters contain public comments objecting to the proposed rate increase with a single sentence containing a request to intervene. Many of these letters ask only that the Commission intervene to prevent Bluegrass Water from

implementing the proposed rate increase. Two of the 39 letters contain a single sentence stating a request to intervene.

Because none of the requestors made any argument to justify their intervention, they do not comply with the requirements in 807 KAR 5:001E, Section 4, and therefore their respective requests to intervene should be denied.

Although they have not been granted intervention, the individual residential customers named above will have an opportunity to participate in this proceeding even though they are not granted intervenor status. They can review all public documents filed in this case and monitor the proceedings via the Commission's website <https://psc.ky.gov/Case/ViewCaseFilings/2022-00432>. In addition, the individual residential customers may file comments as frequently as they choose, and those comments will be entered into the record of this case. For their convenience, public comments can be filed via the Commission's website at <https://psc.ky.gov/Case/SearchCasesPublicComments>.

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

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

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