

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

On April 3, 2023, Aichi Forge USA (Aichi Forge), a commercial customer that receives service from Bluegrass Water Utility Operating Company, LLC (Bluegrass Water), filed a letter requesting the Commission to intervene in this matter.

LEGAL STANDARD

Under KRS 278.180 and KRS 278.190, a utility that requests a general rate adjustment must file an application with the Commission. The Commission's standard of review of a utility's request for a rate increase is well established. In accordance with statutory and case law, the utility is allowed to charge its customers "only 'fair, just and reasonable rates.'"¹ Further, the utility bears the burden of proof to show that the proposed rate increase is just and reasonable under KRS 278.190(3).

A request to intervene in a proceeding before the Commission is made by a person who seeks to become a party to the case. 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 was granted intervention on January 10, 2023,

¹ KRS 278.030; and *Pub. Serv. Comm'n v. Com. ex rel. Conway*, 324 S.W.3d 373, 377 (Ky. 2010).

by Commission Order. Intervention by all others is permissive and within the sole discretion of the Commission.²

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 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.

REQUEST TO INTERVENE

In its request to intervene, Aichi Forge did not state that it wanted to intervene, but instead requested that the Commission intervene to determine the appropriate rates. Aichi Forge stated its objection to Bluegrass Water's proposed rate increase and provided a list of other commercial and industrial customers that, according to Aichi Forge, joined Aichi Forge in objecting to the increase.³ In its request, Aichi Forge did not state that it had a special interest or that it was likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings.

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

³ 807 KAR 5:001E, Section 4(4) states, "A person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2)." The letter from Aichi Forge was signed by the Senior Vice President of Corporate Planning. There is no evidence in the record that Aichi Forge's request was made by an attorney or that the referenced businesses requested to be represented by an attorney jointly with Aichi Forge. Because Aichi Forge's request is denied, the Commission will not address this issue further.

DISCUSSION AND FINDINGS

Based on a review of the letter and being otherwise sufficient advised, the Commission finds that Aichi Forge did not demonstrate that it had a special interest not otherwise adequately represented or that it would present issues or develop facts to assist the Commission, and therefore the request should be denied. This is, because the letter did not address whether Aichi Forge had a special interest or that it is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings.

Although Aichi Forge has not been granted intervention, it along with all other commercial and industrial customers named in the letter, will have an opportunity to participate in this proceeding even though it is not granted intervenor status. Aichi Forge may 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 commercial and industrial 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 request to intervene filed by Aichi Forge is denied.

PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner



ATTEST:



Executive Director

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Honorable John E Selent
Attorney at Law
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Sarah D. Reddick
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Aaron Silas
Central States Water Resources
1650 Des Peres Road
Suite 303
St. Louis, MISSOURI 63131

*Honorable Kerry E Ingle
Attorney at Law
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KENTUCKY 40202

*Edward T Depp
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*R. Brooks Herrick
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

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

*Cameron R Culbertson
Scott County Attorney
198 E. Washington St.
Georgetown, KENTUCKY 40324

*Bluegrass Water Utility Operating Company, LLC
1630 Des Peres Road, Suite 140
St. Louis, MO 63131

*Honorable David Edward Spenard
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KENTUCKY 40202

*Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Dave Woodsmall
Central States Water Resources
1650 Des Peres Road
Suite 303
St. Louis, MISSOURI 63131

*Russ Mitten
Central States Water Resources
1650 Des Peres Road
Suite 303
St. Louis, MISSOURI 63131

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Randal A. Strobo
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KENTUCKY 40202