

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF THE CITY OF)	
LANCASTER TO INCREASE THE WHOLESALE)	CASE NO.
RATE CHARGED TO GARRARD COUNTY)	2023-00424
WATER ASSOCIATION)	

ORDER

This matter arises upon the motion of Garrard County Water Association, Inc. (Garrard County Water), filed January 10, 2024, for intervention. As a basis for its motion, Garrard County Water stated that it satisfies both prongs in 807 KAR 5:001, Section 4(11), although only one is required, for permissive intervention.

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). Intervention by all others is permissive and is within the sole discretion of the Commission.¹

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, 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

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

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

DISCUSSION AND FINDINGS

Garrard County Water stated that the subject of the case, the city of Lancaster's (Lancaster) tariff, is for wholesale water service to Garrard County Water and is intended to directly impact Garrard County Water and its customers.² Garrard County Water further stated that it is the largest customer of Lancaster and accounts for a majority of the water sales, and that the wholesale rate increase to Garrard County Water proposed by Lancaster will be passed on to the customers of Garrard County Water.³ Garrard County Water argued that this constitutes a special interest in the case.⁴ Further, Garrard County Water contended that its interest cannot be adequately represented by any existing party, and that its intervention would not unduly complicate or disrupt the proceedings.⁵

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that Garrard County Water has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented as set out in 807 KAR 5:001, Section 4(11)(b). No other party to this case has similar interests as represented by Garrard County Water.

² Garrard County Water's Motion to Intervene (filed Jan. 10, 2024) at 2.

³ Garrard County Water's Motion to Intervene at 3.

⁴ Garrard County Water's Motion to Intervene at 3.

⁵ Garrard County Water's Motion to Intervene at 3.

Based on the above, the Commission finds that Garrard County Water should be granted full rights of a party in this proceeding. The Commission directs Garrard County Water to the Commission's July 22, 2021 Order in Case No. 2020-00085⁶ regarding filings with the Commission.

Due to the delayed granting of Garrard County Water's motion to intervene, the Commission, on its own motion, will amend the procedural schedule to allow Garrard County Water to fully participate in the proceeding. The amended procedural schedule is included as an Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. The procedural schedule established on January 5, 2024, is amended, as reflected in an Appendix to this Order.
2. Garrard County Water's motion to intervene is granted.
3. Garrard County Water is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. Further, Garrard County Water shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.

⁶ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

4. All provisions of the Commission's January 5, 2024 Order that are in conflict with the provisions of this Order are vacated, and all other provisions not in conflict with the provisions of this Order shall remain in effect.

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PUBLIC SERVICE COMMISSION



Chairman



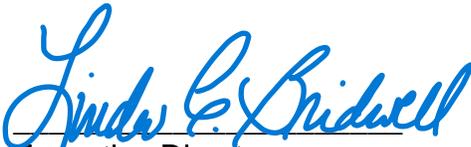
Vice Chairman



Commissioner

ENTERED
APR 05 2024 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00424 DATED APR 05 2024

Initial requests for information by Intervenors to Lancaster
shall be filed no later than 04/18/2024

Lancaster shall file responses to Intervenors’
initial requests for information no later than..... 05/02/2024

All supplemental Intervenor requests for information to Lancaster
shall be filed no later than 05/16/2024

Lancaster shall file responses to Intervenors’ supplemental requests
for information no later than 05/30/2024

Intervenor testimony, if any, in verified prepared
form shall be filed no later than..... 06/06/2024

All requests for information to Intervenors shall
be filed no later than 06/13/2024

Intervenors shall file responses to requests for
information no later than..... 06/20/2024

Lancaster shall file, in verified form, its rebuttal
testimony no later than 07/03/2024

Lancaster or any Intervenor shall request either a
hearing or that the case be submitted for decision
based on the record no later than 07/10/2024

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