

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF LOUISVILLE)	CASE NO.
GAS AND ELECTRIC COMPANY TO REVISE ITS)	2024-00125
LOCAL GAS DELIVERY SERVICE TARIFF)	

ORDER

This matter arises upon the motion of the Louisville and Jefferson County Metropolitan Sewer District (MSD) filed April 30, 2024, for full intervention. As a basis for its motion, MSD averred that it has a special interest in this case not otherwise represented by any other party or prospective party in this matter in that Louisville Gas and Electric's (LG&E) proposed Local Gas Delivery Service (LGDS) Tariff is estimated to increase operational cost of MSD's renewable natural gas (RNG) facility at the Morris-Forman Water Quality Treatment Center (Morris-Forman) negatively impacting the economic feasibility of an RNG facility as well as MSD and MSD's customers.¹ MSD also stated that, if allowed to intervene, it will likely present issues or develop facts that assist the Commission due to its unique position as a significant renewable fuel/biofuel producer to assist the Commission in evaluating LG&E's tariff proposal.²

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

¹ MSD's Motion to Intervene (filed Apr. 30, 2024) at 3–4.

² MSD's Motion to Intervene at 3–5.

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.³

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 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

Based on a review of the motion and being otherwise sufficiently advised, the Commission finds that MSD has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented. In addition, although not required, the Commission also finds that MSD is 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.

The Commission notes that MSD stated that the proposed tariff requirements will increase operational cost of the RNG facility at Morris-Forman by nearly \$1,000,000 per year and will negatively impact the economic feasibility of the RNG facility, which will, in turn, negatively impact MSD and its customers.⁴ MSD also stated that the potential changes to the LGDS tariff will significantly impact MSD's cost structure at Morris-Forman

³ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

⁴ MSD's Motion to Intervene at 4.

taking into account the Biosolids Processing Improvements Project.⁵ MSD is an RNG producer that made an application for approval and acceptance of customer supplied RNG through submittal of a Rate LGDS service request form to LG&E on or about November 13, 2022.⁶ The Commission agrees that no other party in the matter has these same special interests.

The Commission finds that MSD is in a unique position, as a renewable fuel/biofuel producer, to assist the Commission in evaluating whether LG&E's proposed amended LGDS tariff is fair, just and reasonable, consistent with KRS 278.030 and KRS 278.040. The Commission finds that MSD is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand and will not unduly complicate or disrupt the proceedings.

Based on the above, the Commission finds that MSD should be granted full rights of a party in this proceeding. The Commission directs MSD to the Commission's July 22, 2021 Order in Case No. 2020-00085⁷ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. MSD's motion to intervene is granted.
2. MSD 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.

⁵ MSD's Motion to Intervene at 3–4.

⁶ MSD's Motion to Intervene at 3.

⁷ 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).

3. MSD 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.

4. MSD shall adhere to the procedural schedule set forth in the Commission's April 30, 2024 Order and as amended by subsequent Orders.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, MSD shall file a written statement with the Commission that:

a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

PUBLIC SERVICE COMMISSION

Kurt Olson

Chairman

Jeff

Vice Chairman

May Pat Regan

Commissioner

ENTERED
MAY 17 2024 bsb
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