

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY UTILITIES)
COMPANY TO ASSESS A SURCHARGE UNDER KRS)
278.183 TO RECOVER COSTS OF COMPLIANCE) CASE NO. 93-465
WITH ENVIRONMENTAL REQUIREMENTS FOR COAL)
COMBUSTION WASTES AND BY-PRODUCTS)

O R D E R

On March 7, 1994, Kentucky Utilities Company ("KU") filed a motion requesting that the Commission reconsider its February 22, 1994 Order granting full intervention to Jerry Hammond. KU states that it was unaware of the request for intervention until it received the Commission's Order granting intervention. As grounds for its motion, KU states that Jerry Hammond's interest is already adequately protected by other intervenors, that any special interest that he may have is too remote to justify intervention, and his intervention is likely to unduly complicate and possibly disrupt this case. KU further alleges that Jerry Hammond is a labor representative whose interest in this case is to present issues and develop facts relevant only to KU's labor practices.

On March 8, 1994, Jerry Hammond filed a response and supporting affidavit in opposition to KU's motion. The response states that Jerry Hammond has experience relating to issues of construction costs and capital expenditures, which are issues specified in KRS 278.183(1) to be reviewed in this environmental surcharge case. The response further states that Jerry Hammond has

no intent to disrupt this proceeding and will not raise issues related to labor-management relations as the Commission is not the appropriate forum for such issues.

Based on the motion and response, and being otherwise sufficiently advised, the Commission hereby finds that the motion should be denied. The Commission has traditionally applied a liberal interpretation to its intervention regulation, 807 KAR 5:001, Section 3(8). Jerry Hammond is a customer of KU and should be afforded the opportunity to participate in this case.

The Commission has no jurisdiction over issues of labor-management relations. As both KU and Jerry Hammond have acknowledged that this is not the appropriate forum in which to raise such issues, there is no reason to restrict Jerry Hammond's intervention. In the event that anyone raises an issue that is beyond the Commission's jurisdiction, an objection or motion to strike may be made.

IT IS THEREFORE ORDERED that KU's motion for reconsideration of the Commission's February 22, 1994 Order be and it hereby is denied.

Done at Frankfort, Kentucky, this 14th day of March, 1994.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director