

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF LOUISVILLE GAS)	
AND ELECTRIC COMPANY FOR APPROVAL OF)	CASE NO.
ITS COMPLIANCE PLAN FOR RECOVERY)	2002-00147
BY ENVIRONMENTAL SURCHARGE)	

O R D E R

The Commission has before it two motions: one from Robert L. Madison, an electric customer of Louisville Gas and Electric Company (LG&E), requesting intervention; and one from LG&E requesting that the procedural schedule appended to the August 29, 2002 Order be modified to provide LG&E an opportunity to file rebuttal testimony.

In his motion to intervene, Mr. Madison states that he has previously been granted intervention by the Commission in a number of proceedings involving LG&E and that he has a special interest as a residential consumer which is not aligned with that of other intervenors. LG&E filed an objection to the intervention, noting that the granting of intervention to a customer is within the sound discretion of the Commission. LG&E argues that Mr. Madison does not have a special interest that is not adequately represented by the Attorney General's Office, which has already been granted intervention, and that his educational background and work history do not provide him with the technical ability and training to present issues or develop facts that will assist the Commission in considering the issues in this case. LG&E further claims that Mr.

Madison does not qualify as an expert witness under Kentucky's Rules of Evidence, that his participation will unduly complicate and disrupt this case, and that if he is permitted to participate it should be as a limited intervenor. Mr. Madison filed a response to LG&E's objection, and LG&E filed a sur-reply to that response.

Based on the motion to intervene and all subsequent pleadings, the Commission finds that full intervention has been liberally granted to utility customers in prior Commission proceedings and the record before us is not sufficient to justify a deviation from this policy. While the Commission has limited the right to intervene by customers in cases where numerous customers have requested individual intervention, that situation does not exist here at this time. Since it is unknown at this time as to whether Mr. Madison will file testimony, it is premature to address the question of whether he qualifies as an expert witness. In the event that Mr. Madison requests information or files testimony on issues that LG&E believes to be irrelevant to this case or that are otherwise objectionable, the Commission will consider such objections at the time they are presented. The Commission finds that Mr. Madison has a special interest that is not otherwise adequately represented and his participation as a full intervenor is likely to present issues and develop facts that will assist the Commission in fully considering the issues in this case without unduly complicating or disrupting the proceedings.

The Commission further finds that LG&E's motion to modify the procedural schedule to provide it an opportunity to file rebuttal testimony is reasonable and should be granted. A revised procedural schedule, which includes a date for LG&E to file rebuttal testimony and a short delay in the due date for initial data requests to accommodate the intervention granted herein, is attached hereto as Appendix A.

IT IS THEREFORE ORDERED that:

1. The motion of Robert L. Madison for full intervention is granted.
2. Mr. Madison shall be 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 the parties after the date of this Order.
3. Should Mr. Madison file documents of any kind with the Commission in the course of these proceedings, he shall also serve a copy of said documents on all other parties of record.
4. The procedural schedule, set forth as Appendix A to the Commission's August 29, 2002 Order, is revised as discussed in the findings above. The revised procedural schedule is set forth as Appendix A hereto and shall be followed in this case.

Done at Frankfort, Kentucky, this 12th day of September, 2002.

By the Commission

ATTEST:

W. H. Fowler
Deputy Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2002-00147 DATED SEPTEMBER 12, 2002

All initial requests for information to LG&E shall
be filed no later than.....09/12/02

LG&E shall file responses to initial requests for
information no later than.....09/26/02

All supplemental requests for information to LG&E
shall be filed no later than10/10/02

LG&E shall file responses to supplemental requests
for information no later than10/25/02

Intervenor testimony, if any, in verified prepared form
shall be filed no later than11/12/02

All requests for information to Intervenors shall be
filed no later than.....11/22/02

Intervenors shall file responses to request for
information no later than.....12/06/02

LG&E shall file rebuttal testimony, if any, in verified
prepared form, no later than.....12/12/02

Last day for LG&E to publish notice of hearing12/12/02

Public Hearing is to begin at 9:00 a.m., Eastern
Standard Time, in Hearing Room 1 of the Commission s
offices at 211 Sower Boulevard, Frankfort, Kentucky,
for the purpose of cross-examination of witnesses of
LG&E and Intervenors.....12/19/02

Briefs, if any, shall be filed by01/13/03