

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)
COMMISSION OF THE ENVIRONMENTAL)
SURCHARGE MECHANISM OF LOUISVILLE GAS) CASE NO. 2003-00236
AND ELECTRIC COMPANY FOR THE TWO-YEAR)
BILLING PERIOD ENDING APRIL 30, 2003)

O R D E R

The Commission has pending before it a motion filed by Robert L. Madison, a residential electric customer of Louisville Gas and Electric Company (LG&E), requesting full intervention in this case. The motion cites a number of prior cases in which Mr. Madison had been granted intervention and states that he has a special interest as a residential customer which is not otherwise adequately represented since he often advocates positions that differ from those of other intervenors. Further, the motion states that Mr. Madison is likely to present issues or develop facts that will assist the Commission without complicating or disrupting the proceedings.

LG&E filed an objection to the motion, arguing that Mr. Madison does not possess a special interest merely because he disagrees with the positions taken by other intervenors, and that his educational and professional background does not provide him with the technical ability and training to present issues or develop facts that will assist the Commission in this proceeding. In addition, LG&E cites the Commission s

August 13, 2003 Order in a different LG&E proceeding, Case No. 2003-00266,¹ denying a request for full intervention by Mr. Madison.

Mr. Madison filed a reply to LG&E's objection, stressing his involvement in prior LG&E cases, his interest as a residential customer, his belief that no other intervenor truly represents the interests of residential customers, and his assertion that he would qualify as an expert on issues of cartography and labor relations.

Based on the motion to intervene, the objection thereto and the reply, and being otherwise sufficiently advised, the Commission finds that the interest in this case asserted by Mr. Madison is no different from the interests of LG&E's 334,000 other residential electric customers. The Office of the Attorney General (AG) has been granted full intervention in this case. The AG is charged by statute with representing the interests of all consumers. The fact that Mr. Madison has previously disagreed with certain positions taken by the AG does not demonstrate that the AG is not adequately representing the interests of consumers, or that Mr. Madison has a special interest that justifies his individual participation as an intervenor. Further, the Commission notes that the issues raised in this case are highly technical and complex, and the Commission previously found in its February 11, 2003 Order in Case No. 2002-00147² that Mr. Madison does not possess the experience or qualifications necessary to present

¹ Case No. 2003-00266, Investigation Into the Membership of Louisville Gas and Electric Company and Kentucky Utilities Company in the Midwest Independent Transmission System Operator, Inc.

² Case No. 2002-00147, Application For an Amended Environmental Compliance Plan, and a Revised Surcharge to Cover the Costs.

testimony as an expert in the areas of rate-making or rate design. Therefore, Mr. Madison's request to intervene should be denied.

IT IS THEREFORE ORDERED that the motion of Robert L. Madison requesting full intervention is denied.

Done at Frankfort, Kentucky, this 8th day of October, 2003.

By the Commission

ATTEST:


Executive Director