

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO THE MEMBERSHIP)	
OF LOUISVILLE GAS AND ELECTRIC)	
COMPANY AND KENTUCKY UTILITIES)	CASE NO. 2003-00266
COMPANY IN THE MIDWEST INDEPENDENT)	
TRANSMISSION SYSTEM OPERATOR, INC.)	

O R D E R

On July 22, 2003, Robert L. Madison, a residential electric customer of Louisville Gas and Electric Company (LG&E), filed a motion requesting full intervention in this case. The motion states that he has intervened in prior Commission proceedings, notes that he has previously taken different positions than those of the Attorney General's Office (AG) and other intervenors, and lists a number of concerns that he wants to explore regarding LG&E's transfer of control of its transmission facilities to the Midwest Independent Transmission System Operator, Inc.

On July 25, 2003, LG&E filed an objection to Mr. Madison's request for intervention on the basis that he has failed to satisfy the criteria set forth in 807 KAR 5:001, Section 3(8). LG&E asserts that Mr. Madison does not have an absolute right to full intervention, that he has failed to assert a special interest not otherwise adequately represented by the AG, and that his interest in this case is no different from that of any member of the general public. In addition, LG&E asserts that Mr. Madison does not have the background and expertise to qualify as an expert witness and that, consequently, he is not likely to present issues or to develop facts that would assist the Commission in fully considering the issues in this case without unduly complicating or

disrupting the proceedings. Alternatively, LG&E suggests that Mr. Madison be granted limited intervention as provided for in 807 KAR 5:001, Section 3(8).

On August 1, 2003, Mr. Madison filed a response to LG&E's objection. Mr. Madison states that LG&E has not in prior cases objected to his requests for information, cross-examination, or briefs, and that the lack of prior objections demonstrates his qualifications to participate in the pending case. Mr. Madison also criticizes a number of prior positions taken by the AG in other Commission proceedings, apparently in an effort to demonstrate that his interests are not aligned with the AG's. Further, Mr. Madison states that LG&E's objections to his qualifications as an expert witness are not relevant to his request for full intervention.

Based on the motion, the objection thereto, and the response, and being otherwise sufficiently advised, the Commission finds that Mr. Madison has not demonstrated that, as a residential consumer, he has any interest in this case that differs from the interests of LG&E's other 334,000 residential electric customers. The AG has been granted full intervention in this case, and he is charged by statute with representing the interests of all consumers. The fact that Mr. Madison has previously disagreed with certain positions previously taken by the AG does not demonstrate that the AG is not adequately representing consumer interests 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 that the Commission previously found in its February 11, 2003 Order in Case No. 2002-00146,¹ that Mr. Madison does not possess the experience or qualifications

¹ Case No. 2002-00146, Application For Amended Environmental Compliance Plan and a Revised Surcharge to Recover the Costs.

necessary to present testimony as an expert in the areas of rate-making or rate design. Therefore, Mr. Madison's request to intervene should be denied. He will, however, be entitled to appear at any public hearing and offer public comment that will be included as part of the record in this case.

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

Done at Frankfort, Kentucky, this 13th day of August, 2003.

By the Commission

ATTEST:


Executive Director