

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF LOUISVILLE	)	
GAS AND ELECTRIC COMPANY, METRO	)	
HUMAN NEEDS ALLIANCE, INC., PEOPLE	)	
ORGANIZED AND WORKING FOR ENERGY	)	CASE NO. 2004-00304
REFORM, AND KENTUCKY ASSOCIATION	)	
FOR COMMUNITY ACTION, INC. FOR THE	)	
ESTABLISHMENT OF A HOME ENERGY	)	
ASSISTANCE PROGRAM	)	

O R D E R

On August 5, 2004, Robert L. Madison, a residential electric customer of Louisville Gas and Electric Company ("LG&E") filed two motions: (1) for full intervention; and the other to establish a procedural schedule. The motion to intervene states that he has previously intervened in prior LG&E cases, and that he believes he has a special interest in this pending case due to his prior participation in Case No. 2001-00323,<sup>1</sup> which also involved a request by LG&E to establish a low-income energy assistance program.

On August 16, 2004, LG&E filed a response in opposition to both motions. LG&E claims that Mr. Madison's interest in this proceeding is no different from that of any other member of the general public and, thus, he lacks the requisite special interest

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<sup>1</sup> Case No. 2001-00323, Joint Application of Louisville Gas and Electric Company, Metro Human Needs Alliance, People Organized and Working For Energy Reform, Kentucky Association For Community Action, and Jefferson County Government For the Establishment of a Home Energy Assistance Program.

needed to justify intervention. LG&E further states that the Office of the Attorney General is charged with the responsibility of representing the interests of residential consumers, not Mr. Madison, and that the Commission is charged with representing the broader public interest. Finally, LG&E states that, based on Mr. Madison's background and experience, he is not likely to present issues or to develop facts that would assist the Commission in fully considering this case without unduly complicating or disrupting the proceedings.

Based on the motions and being otherwise sufficiently advised, the Commission finds that some years ago Mr. Madison was granted full intervention in certain proceedings involving LG&E, but that more recently his requests to intervene have been denied. Those denials, in Case Nos. 2003-00266<sup>2</sup> and 2003-00433,<sup>3</sup> were based upon findings that Mr. Madison lacks the education and professional training to testify as an expert witness. Consequently, he is not likely to present issues or develop facts that will assist the Commission in fully considering this case without unduly complicating or disrupting the proceedings. Further, Mr. Madison has not alleged any interest in this proceeding that differs from that of any other residential customer of LG&E. Under these circumstances, Mr. Madison lacks the requisite special interest necessary to justify intervention. However, the Commission's regulations on intervention, 807 KAR

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<sup>2</sup> 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. (Order dated August 13, 2003).

<sup>3</sup> Case No. 2003-00433, An Adjustment of the Gas and Electric Rates, Terms, and Conditions of Louisville Gas and Electric Company (Order dated January 21, 2004).

5:001, Section 3(8), provides for the granting of limited intervention. Under the circumstances of this case, it is reasonable to grant Mr. Madison limited intervention.

IT IS THEREFORE ORDERED that:

1. Mr. Madison's motions for full intervention and to establish a procedural schedule are denied.

2. Mr. Madison is granted limited intervention, which entitles him to the full rights of a party at any hearing in which he appears, and he shall be served with a copy of the Commission's Orders, but he shall not be served with any testimony, exhibits, pleadings, correspondence, or any other documents filed by the parties, and he shall not be certified as a party for purposes of receiving service of any petition for rehearing or petition for judicial review.

Done at Frankfort, Kentucky, this 25<sup>th</sup> day of August, 2004.

By the Commission

ATTEST:



Executive Director