

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 September 8, 2004, Louisville Gas and Electric Company (“LG&E”) filed a motion requesting the Commission to issue a protective order in response to the data requests issued by Robert L. Madison to LG&E. The motion states that the Commission issued an Order on August 25, 2004 denying Mr. Madison’s request for full intervention based on a finding that “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,” but granting him limited intervention pursuant to 807 KAR 5:001, Section 3(8). The motion further states that, despite Mr. Madison’s status as a limited intervenor, he has issued data requests to LG&E consisting of 34 questions, with 95 additional sub-parts. LG&E characterizes these requests as being unduly burdensome and claims that they will complicate or disrupt the proceeding. On September 13, 2004, Metro Human Needs Alliance, Inc. (“MHNA”) and People

Organized and Working for Energy Reform (“POWER”) jointly filed an identical motion requesting a protective order also in response to a data request from Mr. Madison.

Based on the motions and being otherwise sufficiently advised, the Commission finds that under 807 KAR 5:001, Section 3(8)(a), a limited intervenor “shall not be served with filed testimony, exhibits, pleadings, correspondence and all other documents submitted by parties.” Considering these extensive restrictions on the participation of a limited intervenor, it would be neither consistent nor reasonable to allow such an intervenor to issue data requests or otherwise engage in discovery. A person granted limited intervention is entitled to only “the full rights of a party at the hearing in which he appears,” and to “be served with the commission’s order.” 807 KAR 5:001, Section 3(8)(a). Thus, if the Commission schedules a hearing, Mr. Madison will receive notice and will have the right to appear and participate as a party. However, a limited intervenor does not have the right to issue data requests or otherwise engage in discovery, attend informal conferences, request a hearing, or file a motion or a brief.

IT IS THEREFORE ORDERED that the motions of LG&E, MHNA and POWER for protective orders are granted in accordance with the findings above.

Done at Frankfort, Kentucky, this 17th day of September, 2004.

By the Commission

ATTEST:


Executive Director