

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF LOUISVILLE )  
GAS AND ELECTRIC COMPANY )  
FOR APPROVAL OF ITS 2004 ) CASE NO. 2004-00421  
COMPLIANCE PLAN FOR RECOVERY )  
BY ENVIRONMENTAL SURCHARGE )

O R D E R

On January 26, 2005, Roy Smith wrote a protest letter to the Commission's Executive Director, apparently in this docket. As part of the letter, Mr. Smith wrote that he "would like to be granted intervention." Under 807 KAR 5:001, Section 3(8), the Commission assumes that the request is one for limited intervention. The letter states an objection to paying more rate increases to Louisville Gas and Electric Company and requests "some justification for all these rate increases."

To be granted intervention, a party must demonstrate that he is "interested," [see, e.g., KRS 278.020(8); 278.712(5) (Siting Board standard)] and that the party's position is not already adequately represented [see, e.g., KRS 13B.060(2)(b); 807 KAR 5:001, Section 3(8), (applicable to motions for full intervention)]. The Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention ("Attorney General"), is a party to this proceeding and is charged by statute with representing the interests of all consumers. Mr. Smith has not demonstrated to the Commission that he will not be adequately represented by the Attorney General.

The Commission therefore interprets Mr. Smith's letter as a protest letter and will file it in the case record. To the extent that Mr. Smith intended his letter to be a motion to intervene, the Commission finds that the motion should be denied without prejudice for him to renew his motion, explaining in detail why his interests are not adequately represented by the Attorney General.

IT IS THEREFORE ORDERED that:

1. The January 26, 2005 letter of Roy Smith shall be placed in the official file of this case as a protest letter.
2. To the extent that Mr. Smith intended the letter to be a motion for limited intervention, that motion is denied without prejudice.

Done at Frankfort, Kentucky, this 10<sup>th</sup> day of February, 2005.

By the Commission

ATTEST:



Executive Director