

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY-AMERICAN)	
WATER COMPANY FOR A CERTIFICATE OF)	
CONVENIENCE AND NECESSITY AUTHORIZING)	CASE NO.
THE CONSTRUCTION OF KENTUCKY RIVER)	2007-00134
STATION II, ASSOCIATED FACILITIES AND)	
TRANSMISSION MAIN)	

ORDER

This matter arises upon the motion of Louisville Water Company (“LWC”), filed July 31, 2007, for full intervention. No party has objected to the motion or responded to it.

To determine whether the public convenience and necessity require the construction of the proposed facilities and whether the proposed facilities will result in a wasteful investment, the Commission must review all options that Kentucky-American Water Company (“Kentucky-American”) considered to resolve its supply deficit. As LWC possesses evidence and is uniquely situated to present evidence regarding one option that Kentucky-American considered and rejected, we find that LWC’s intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.¹

¹ While LWC recently made an unsolicited offer to supply water to Kentucky-American, this action does not establish any special interest in this proceeding. A failed bidder or competitor does not per se possess any special interest that establishes a right to intervene in Commission proceedings. In the present case, however, LWC possesses significant information regarding the cost of purchasing and transporting water from LWC to central Kentucky. Moreover, it possesses information regarding previous negotiations between LWC and Kentucky-American. Commission Staff’s request for information from LWC pursuant to the Open Records Act is evidence of LWC’s unique position.

Having been otherwise sufficiently advised, the Commission HEREBY ORDERS that:

1. LWC's motion to intervene is granted.
2. LWC shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should LWC file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 13th day of August, 2007.

By the Commission

ATTEST:



Executive Director