

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:)
)
NOTICE OF ADJUSTMENT OF THE RATES OF) **CASE NO. 2008-00427**
KENTUCKY-AMERICAN WATER COMPANY)
EFFECTIVE ON AND AFTER NOVEMBER 30, 2008)

**RESPONSE TO JOHN R. THOMPSON’S
REQUEST FOR INTERVENTION**

Kentucky-American Water Company (“KAWC”) responds to John R. Thompson’s November 3, 2008 Request for Intervention. For the reasons set forth below, Mr. Thompson’s request must be denied.

Mr. Thompson’s request provides no grounds under 807 KAR 5:001 § 3(8)(b) for his intervention in this matter. He offers no argument nor evidence that demonstrate he has a special interest in this proceeding that is not otherwise represented or that his intervention will assist the Commission in fully considering the matter.¹ The failure to even attempt to establish the most basic grounds for intervention requires that Mr. Thompson’s request be denied.

Viewed in the most favorable light, Mr. Thompson’s request is actually a letter protesting the requested rate increase with an accompanying unsupported request for “an intervention.” However, the Commission has regularly denied intervention to persons, including customers, who can state no more than that they have particular positions on issues. For example, in Case

¹ 807 KAR 5:001 § 3(8)(b) states in relevant part: “If the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by party is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention.”

No. 2004-00304, the Commission denied intervention to Robert Madison, an LG&E customer, in a case concerning LG&E's Home Energy Assistance Program. The Commission held:

[T]he mere fact that Mr. Madison has a particular position on issues pending in this case does not create the requisite 'special interest' sufficient to justify full intervention under 807 KAR 5:001, Section 3(8)(b). Mr. Madison's request for reconsideration contains no additional facts or arguments to demonstrate that his interest in these proceedings differs from that of any other residential customer of LG&E.²

In Case No. 2003-00266, the Commission relied on similar reasoning to deny Mr. Madison intervention in that proceeding:

[T]he 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.³

The Commission has likewise denied intervention to customers who claim to represent a particular segment of a utility's customer base.⁴ Therefore, even if Mr. Thompson's request is construed as an effort to speak for a segment of KAWC's customer base (it does not explicitly state that it does), Mr. Thompson has provided no reason to believe that his interests are any different than any other customer's.

² *In the Matter of: Joint Application of Louisville Gas and Electric Company, Metro Human Needs Alliance, Inc., People Organized and Working for Energy Reform, and Kentucky Association for Community Action, Inc., for the Establishment of a Home Energy Assistance Program*, Case No. 2004-00304, Order at 3-4 (Sept. 30, 2004).

³ *In the Matter of: Investigation into the Membership of Louisville Gas and Electric Company and Kentucky Utilities Company in the Midwest Independent Transmission System Operator, Inc.*, Case No. 2003-00266, Order at 2 (Aug. 13, 2003).

⁴ *See, e.g., In the Matter of: General Adjustments in Electric Rates of Kentucky Power Company*, Case No. 2005-00341, Order at 1 (Feb. 6, 2006) ("This matter arises upon the letters filed by Croma Tackett, requesting intervention on behalf of herself and other low-income residential ratepayers. Based on the letters, which will be treated as a motion, the Commission finds that intervention has already been granted to the Attorney General's Office, on behalf of all residential customers, and to the Kentucky Association of Community Action, Inc., on behalf of low-income residential customers. Since the interests sought to be protected by the movant are adequately being protected by existing intervenors, the motion should be denied.").

Finally, Mr. Thompson's request provides nothing in the way of qualifications, experience, or background that give reason to believe that he could assist the Commission in considering the facts and issues that are relevant and jurisdictional to the Commission. On the contrary, the tone of his letter, with its inflammatory allegations, demonstrates that his intervention in this matter will "unduly complicate and disrupt" this case in violation of 807 KAR 5:001 § 3(8)(b). Certainly, his interests as a customer and as a member of the general public will be fully and ably represented by his statutorily authorized representative – the Attorney General – to whom full intervention has already been granted in this case.

WHEREFORE, KAWC respectfully requests that Mr. Thompson's request be denied.

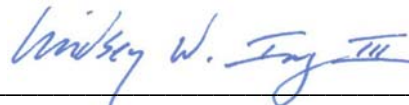
Respectfully submitted,

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CERTIFICATE

In accordance with Ordering Paragraph No. 5 of the Commission's October 30, 2008 Order, this is to certify that Kentucky-American Water Company's November 20, 2008 electronic filing of this response is a true and accurate copy of the documents to be filed in paper medium; that the electronic filing has been transmitted to the Commission on November 20, 2008; that an original and one copy of the filing will be delivered to the Commission on November 20, 2008; that, on November 20, 2008, notification of the electronic filing will be provided to the Commission and the following via electronic mail:

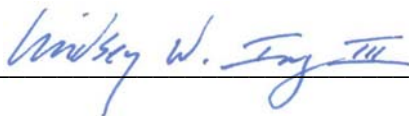
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and that a paper copy of this response will be served on November 20, 2008 upon the following via regular mail:

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By 

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