

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

**IN THE MATTER OF:** )  
 )  
**THE APPLICATION OF KENTUCKY-AMERICAN ) CASE NO. 2010-00036**  
**WATER COMPANY FOR AN ADJUSTMENT OF )**  
**RATES ON AND AFTER MARCH 28, 2010 )**

**RESPONSE TO JOHN R. THOMPSON’S  
AND BEN BLYTON’S REQUESTS FOR INTERVENTION**

Kentucky-American Water Company (“KAW”) responds to John R. Thompson’s March 4, 2010 Motion for Intervention and Ben Blyton’s March 8, 2010 “Petition as Intervener,” which also contains a request to hold the requested rate increase in abeyance for five years. For the reasons set forth below, both requests must be denied.

Neither request provides grounds under 807 KAR 5:001 § 3(8)(b) for intervention in this matter. Messrs. Thompson and Blyton offer nothing that demonstrates they have a special interest in this proceeding that is not otherwise represented or that their intervention will assist the Commission in fully considering the matter.<sup>1</sup> The failure to even attempt to establish the most basic grounds for intervention requires that the requests be denied.

Viewed in the most favorable light, the requests are actually letters protesting the requested rate increase with an accompanying unsupported request for “an intervention.” However, the Commission has regularly denied intervention to persons, including customers,

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<sup>1</sup> 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.”

who can state no more than that they have particular positions on issues. In fact, the Commission denied a similar intervention request by Mr. Thompson in KAW's last rate case when it held that the Attorney General represents consumers' interests<sup>2</sup>

The Commission has repeatedly denied intervention requests similar to the requests at issue. In Case 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.<sup>3</sup>

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.<sup>4</sup>

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<sup>2</sup> *In the Matter of Kentucky-American Water Company for a General Adjustment of Rates*, Case No. 2008-00427, Order at 2 (April 9, 2010).

<sup>3</sup> *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).

<sup>4</sup> *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).

The Commission has likewise denied intervention to customers who claim to represent a particular segment of a utility's customer base.<sup>5</sup> Therefore, even if the pending requests are construed as an effort to speak for a segment of KAW's customer base (disabled, retired and senior citizens are mentioned in the requests), Messrs. Thompson and Blyton have provided no reason to believe that their interests are any different than any other customer's.

Finally, the requests provide nothing in the way of qualifications, experience, or background that give reason to believe that Messrs. Thompson and Blyton could assist the Commission in considering the facts and issues that are relevant and jurisdictional to the Commission. On the contrary, the tone of the letters (particularly Mr. Thompson's inflammatory allegations) demonstrates that their intervention in this matter will "unduly complicate and disrupt" this case in violation of 807 KAR 5:001 § 3(8)(b). Certainly, interests of customers and members of the general public will be fully and ably represented by the statutorily authorized representative – the Attorney General.

**WHEREFORE**, KAW respectfully requests denial of the requests.

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<sup>5</sup> 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 Cromata 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.").

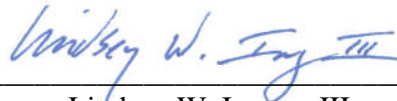
Respectfully submitted,

A.W. Turner, Jr., General Counsel  
KENTUCKY-AMERICAN WATER COMPANY  
2300 Richmond Road  
Lexington, Kentucky 40502  
[A.Turner@amwater.com](mailto:A.Turner@amwater.com)

and

STOLL KEENON OGDEN PLLC  
300 West Vine Street, Suite 2100  
Lexington, Kentucky 40507-1801  
Telephone: (859) 231-3000  
[L.Ingram@skofirm.com](mailto:L.Ingram@skofirm.com)

BY: \_\_\_\_\_



Lindsey W. Ingram III

Attorneys for Kentucky-American Water Company

**CERTIFICATE**

In accordance with Ordering Paragraph No. 6 of the Commission's February 16, 2010 Order, this is to certify that Kentucky-American Water Company's March 11, 2010 electronic filing 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 March 11, 2010; that an original and one copy of the filing will be delivered to the Commission on March 11, 2010; that, on March 11, 2010, electronic mail notification the electronic filing will be provided to the Commission and the following:

David Edward Spenard  
Office of the Attorney General  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601  
[david.spenard@ag.ky.gov](mailto:david.spenard@ag.ky.gov)  
[dennis.howard@ag.ky.gov](mailto:dennis.howard@ag.ky.gov)  
[heather.kash@ag.ky.gov](mailto:heather.kash@ag.ky.gov)

Iris G. Skidmore  
Bates and Skidmore  
415 West Main Street, Suite 2  
Frankfort, Kentucky 40601  
[batesandskidmore@gmail.com](mailto:batesandskidmore@gmail.com)

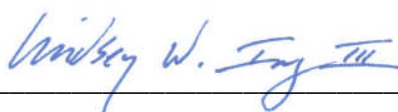
David J. Barberie  
Leslye M. Bowman  
LFUCG Department of Law  
200 East Main Street  
Lexington, Kentucky 40507  
[dbarberi@lfucg.com](mailto:dbarberi@lfucg.com)  
[lbowman@lfucg.com](mailto:lbowman@lfucg.com)

and that on March 11, 2010, a copy of the foregoing was served, via U.S. Mail, on the following:

John Thompson  
2305-A Alexandria Drive  
Lexington, Kentucky 40504

Ben Blyton  
625 Blkue Ash Drive  
Lexington, Kentucky 40503

STOLL KEENON OGDEN PLLC

By 

Attorneys for Kentucky-American Water Company