

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

**In the Matter of:**

<b>APPLICATION OF KENTUCKY</b>	)	
<b>UTILITIES COMPANY FOR AN</b>	)	<b>CASE NO. 2012-00221</b>
<b>ADJUSTMENT OF ITS ELECTRIC</b>	)	
<b>RATES</b>	)	

**KENTUCKY UTILITIES COMPANY’S OBJECTION TO THE MOTION TO**  
**INTERVENE OF BRUCE NUNN**

Kentucky Utilities Company (“KU”) respectfully requests that the Commission deny the Motion of Bruce Nunn for intervention. Mr. Nunn’s motion should be denied for three reasons: (1) the motion does not state a special interest in the proceeding that is not already represented by the Attorney General; (2) the motion fails to identify any issues or development of facts that will assist the Commission in the resolution of this matter; and (3) Mr. Nunn’s intervention could unduly complicate and disrupt the proceeding. As Mr. Nunn fails to satisfy any of the requirements for intervention under 807 KAR 5:001 § 3(8), KU respectfully requests that the Commission deny the motion to intervene of Bruce Nunn in this proceeding.

**I. The Commission Should Deny Mr. Nunn’s Motion to Intervene Because Mr. Nunn Does Not Have a Special Interest in this Proceeding.**

The Commission will grant requests for permissive intervention “only upon a determination that the criteria set forth in 807 KAR 5:001, Section 3(8), have been satisfied.”<sup>1</sup> Under the regulation, permissive intervention will only be granted if the person “has a special interest in the proceeding which is not otherwise adequately represented” or that granting full intervention “is likely to present issues or to develop facts that assist the commission in fully

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<sup>1</sup> *In the Matter of: The 2008 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2008-00148 Order, July 18, 2008.

considering the matter without unduly complicating or disrupting the proceedings.”<sup>2</sup> Mr. Nunn’s motion suggests that he seeks to intervene because he claims a special interest in the proceeding. Mr. Nunn cites the notice KU sent him with his bill, which explained that a “person with a substantial interest” could seek intervention.<sup>3</sup> Mr. Nunn requests to intervene “as a [r]esident of Kentucky and “consumer” of electricity.<sup>4</sup> The Commission, however, has consistently held that a person’s status as a customer is not a special interest meriting full intervention.<sup>5</sup>

Instead, the Attorney General has a statutory right, pursuant to KRS 367.150(8)(b), to represent customers’ interests in proceedings such as this one. The Attorney General’s motion to intervene in this case was granted on June 27, 2012. The Attorney General has significant expertise and years of experience in representing ratepayers’ interests in rate proceedings, including every prior KU rate case.<sup>6</sup> Because Mr. Nunn’s only interest in this proceeding is that of a customer and that interest will be adequately represented, Mr. Nunn does not have a special interest in the proceeding and his motion to intervene should be denied.

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<sup>2</sup> 807 KAR 5:001 § 3(8)(b).

<sup>3</sup> Nunn Motion, p. 1.

<sup>4</sup> *Id.*

<sup>5</sup> *In the Matter of Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge* (Case No. 2009-00198) Order, Aug. 28, 2009 (denying intervention to customer Tammy Stewart on ground she lacked a special interest meriting intervention, as well as expertise that would assist the Commission); *In the Matter of: Application of Kentucky Utilities Company for an Order Approving the Establishment of a Regulatory Asset* (Case No. 2009-00174) Order, June 26, 2009 (denying Rep. Jim Stewart’s Motion to Intervene because he had neither a special interest in the proceeding nor was he likely to assist the Commission to render a decision); *In the Matter of: Joint Application of Louisville Gas and Electric Company, Association of Community Ministries, 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. 2007-00337) Order, Sept. 14, 2007 (“[H]old[ing] a particular position on issues pending in ... [a] case does not create the requisite ‘special interest’ to justify full intervention under 807 KAR 5:001, Section 3(8)(b).”).

<sup>6</sup> *See, e.g., In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Base Rates* (Case No. 2009-00548); *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Base Rates* (Case No. 2008-00251); *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, Terms and Conditions* (Case No. 2003-00434).

**II. The Commission Should Deny Mr. Nunn’s Motion to Intervene Because Mr. Nunn Has Not Demonstrated that He Will Present Issues or Develop Facts that Would Assist the Commission.**

Mr. Nunn’s motion to intervene fails to demonstrate that he will present issues or develop facts that would assist the Commission in fully considering this matter without unduly complicating or disrupting the proceeding.<sup>7</sup> Mr. Nunn’s motion does not identify how he would present issues or develop facts, instead simply requesting that he would like to intervene to state his strong disagreement with the “annual increase and rate changes” KU has proposed.<sup>8</sup> Mr. Nunn then states he opposes the proposed rate increase because of the condition of the state economy, gas prices, the housing market crash, and the unemployment rate.<sup>9</sup> These issues are all beyond the scope of KRS 278.040(2), which vests the Commission with jurisdiction over “rates and service.” Because the issues Mr. Nunn has identified are beyond the scope of the Commission’s jurisdiction, development of the issues will not assist the Commission in resolving this case. Moreover, Mr. Nunn does not identify any expertise in the principles of ratemaking. Because Mr. Nunn has failed to identify how he will present issues or develop facts that would assist the Commission in fully considering this matter, his motion should be denied.

**III. The Commission Should Deny Mr. Nunn’s Motion to Intervene Because Mr. Nunn’s Intervention Could Unduly Complicate and Disrupt the Proceeding.**

Even if Mr. Nunn could demonstrate that he would present issues or develop facts that would assist the Commission in this proceeding, his intervention could unduly complicate and disrupt this proceeding in contravention of 807 KAR 5:001 § 3(8).

Because Mr. Nunn’s motion does not demonstrate any expertise in ratemaking, his intervention could unduly complicate and disrupt the proceeding. Also, his intervention could

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<sup>7</sup> 807 KAR 5:001 § 3(8)(b).

<sup>8</sup> Nunn Motion at p. 1.

<sup>9</sup> *Id.* at 1-2.

unduly complicate or disrupt the proceeding because several of the issues identified in his motion are beyond the scope of the Commission's jurisdiction. The proper means for Mr. Nunn to participate in this proceeding is through filing public comments and communicating with the Attorney General, who will represent his interest as a ratepayer. Moreover, Mr. Nunn may also provide oral comments at the public hearing in this matter or further written comments in the record in this case. These mechanisms ensure that Mr. Nunn is given an opportunity to present his comments without unduly complicating the pending action. KU respectfully requests that the Commission deny Mr. Nunn's motion to intervene as his involvement could unduly complicate and disrupt this proceeding.

#### **IV. Conclusion**

As Mr. Nunn has failed to present any ground upon which the Commission can grant permissive intervention, the Commission should deny his motion to intervene. Mr. Nunn's only interest in this proceeding is as a customer, an interest that will be represented by the Attorney General. Also, the motion does not evince any intent to develop facts or issues that will assist the Commission in the resolution of this matter. Finally, Mr. Nunn's intervention could unduly complicate and disrupt the proceeding. Therefore, KU respectfully requests that the Commission deny Bruce Nunn's motion to intervene in this proceeding.

Dated: August 3, 2012

Respectfully submitted,



Kendrick R. Riggs  
W. Duncan Crosby III  
Barry L. Dunn  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202-2828  
Telephone: (502) 333-6000

Allyson K. Sturgeon  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, Kentucky 40202  
Telephone: (502) 627-2088

Robert M. Watt III  
Lindsey W. Ingram III  
Monica H. Braun  
Stoll Keenon Ogden PLLC  
300 West Vine Street, Suite 2100  
Lexington, KY 40507-1801  
Counsel for Kentucky Utilities Company

**CERTIFICATE OF COMPLIANCE**

In accordance with Ordering Paragraph No. 10 of the Commission's June 22, 2012 Order, this is to certify that Kentucky Utilities Company's August 3, 2012 electronic filing of this Objection is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on August 3, 2012; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original and two copies in paper medium of the Objection were placed in the U.S. Mail, postage prepaid, on August 3, 2012 to be delivered to the Commission. A paper copy was sent via U.S. Mail to Bruce Nunn on August 3, 2012 at the service address on file with Kentucky Utilities Company, which is 306 4<sup>th</sup> Street, Pineville, KY, 40977-1561.



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*Counsel for Kentucky Utilities Company*