

**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 JOHN THOMPSON**

Kentucky Utilities Company (“KU”) respectfully requests that the Commission deny the Motion of John Thompson for intervention. Mr. Thompson’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. Thompson’s intervention could unduly complicate and disrupt the proceeding. As Mr. Thompson 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 John Thompson in this proceeding.

**I. The Commission Should Deny Mr. Thompson’s Motion to Intervene Because Mr. Thompson 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

---

<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. Thompson’s motion does not clearly articulate whether he seeks intervention because he has a special interest in the proceeding which is not otherwise adequately represented, or whether he seeks intervention to present issues or to develop facts that would assist the Commission in fully considering the matter. Ostensibly, Mr. Thompson claims an interest in this proceeding as a KU residential customer, but the Commission has consistently held that a person’s status as a customer is not a special interest meriting full intervention.<sup>3</sup> The Commission previously denied Mr. Thompson’s motion to intervene in a prior KU rate case, in part, because he only had a “general interest that [he] share[s] in common with all KU customers.”<sup>4</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.<sup>5</sup> The Attorney General moved to intervene in this proceeding on June 21, 2012. The Attorney General has significant expertise and years of experience in representing ratepayers’ interests in rate proceedings, including every

---

<sup>2</sup> 807 KAR 5:001 § 3(8)(b).

<sup>3</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>4</sup> *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Base Rates* (Case No. 2009-00548) Order, March 12, 2010. The Commission also denied Mr. Thompson’s Motion to Intervene in a recent Kentucky-American Water Company rate case. See *In the Matter of: Application of Kentucky-American Water Company for an Adjustment of Rates Supported by a Fully Forecasted Test Year* (Case No. 2010-00036) Order, March 19, 2010.

<sup>5</sup> Although Mr. Thompson’s Motion to Intervene states that he is not represented by the Attorney General, the Attorney General has a statutory duty to represent his interests in this proceeding.

prior KU rate case.<sup>6</sup> Because Mr. Thompson's only interest in this proceeding is that of a customer and that interest will be adequately represented, Mr. Thompson does not have a special interest in the proceeding and his motion to intervene should be denied.

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

Mr. Thompson'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. Thompson's motion does not identify how he would present issues or develop facts, instead simply requesting that he would like to intervene in this proceeding "to oppose, and deny, any rate increase by Kentucky Utilities."<sup>8</sup> Mr. Thompson does not identify any expertise in the principles of ratemaking. Because Mr. Thompson 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. Thompson's Motion to Intervene Because Mr. Thompson's Intervention Could Unduly Complicate and Disrupt the Proceeding.**

Even if Mr. Thompson 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. Thompson's motion does not demonstrate any expertise in ratemaking, his intervention could unduly complicate and disrupt the proceeding. The proper means for Mr. Thompson to participate in this proceeding is through filing public comments and

---

<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).

<sup>7</sup> 807 KAR 5:001 § 3(8)(b).

<sup>8</sup> Thompson Motion.

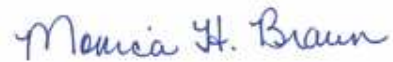
communicating with the Attorney General, who will represent his interest as a ratepayer. Moreover, Mr. Thompson may also provide oral comments at the public hearing in this matter or further written comments in the record in this case. These mechanisms ensure that Mr. Thompson is given an opportunity to present his comments without unduly complicating the pending action. KU respectfully requests that the Commission deny Mr. Thompson's motion to intervene as his involvement could unduly complicate and disrupt this proceeding.

#### **IV. Conclusion**

As Mr. Thompson has failed to present any ground upon which the Commission can grant permissive intervention, the Commission should deny his motion to intervene. Mr. Thompson'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. Thompson's intervention could unduly complicate and disrupt the proceeding. Therefore, KU respectfully requests that the Commission deny John Thompson's motion to intervene in this proceeding.

Dated: June 25, 2012

Respectfully submitted,



Monica H. Braun

---

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

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

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

*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 June 25, 2012 electronic filing is a true and accurate copy of the documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on June 25, 2012; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that an original and one copy of the filing is being hand-delivered to the Commission on June 25, 2012; and that, on June 25, 2012, electronic mail notification of the electronic filing will be provided to the following:

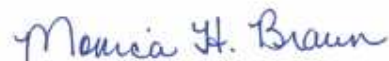
Dennis G. Howard II  
Lawrence W. Cook  
Office of the Attorney General  
Office of Rate Intervention  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204  
[dennis.howard@ag.ky.gov](mailto:dennis.howard@ag.ky.gov)  
[larry.cook@ag.ky.gov](mailto:larry.cook@ag.ky.gov)

Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

David J. Barberie  
Managing Attorney  
Department of Law  
Lexington-Fayette Urban County Government  
200 East Main Street  
Lexington, KY 40507  
[dbarberi@lexingtonky.gov](mailto:dbarberi@lexingtonky.gov)

Iris G. Skidmore  
Bates & Skidmore  
415 W. Main Street, Suite 2  
Frankfort, KY 40601  
[batesandskidmore@gmail.com](mailto:batesandskidmore@gmail.com)

John Thompson  
2305 Alexandria Drive  
Lexington, KY 40504  
**VIA U.S. MAIL**



\_\_\_\_\_  
*Counsel for Kentucky Utilities Company*