

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

**In the Matter of:**

**JOINT APPLICATION OF LOUISVILLE GAS )  
AND ELECTRIC COMPANY AND KENTUCKY )  
UTILITIES COMPANY FOR CERTIFICATES OF )  
PUBLIC CONVENIENCE AND NECESSITY FOR )  
THE CONSTRUCTION OF A COMBINED )     **CASE NO. 2014-00002**  
CYCLE COMBUSTION TURBINE AT THE )  
GREEN RIVER GENERATING STATION AND A )  
SOLAR PHOTOVOLTAIC FACILITY AT THE )  
E.W. BROWN GENERATING STATION         )**

**LOUISVILLE GAS AND ELECTRIC COMPANY’S  
AND KENTUCKY UTILITIES COMPANY’S  
RESPONSE TO ROBERT S. CHATHAM’S  
MOTION TO INTERVENE**

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively, the “Companies”) respectfully request that the Commission deny Robert S. Chatham’s February 28, 2014 Motion to Intervene. Under firmly established Commission precedent, customers such as Mr. Chatham are adequately represented by the Attorney General and are not permitted to intervene. The Commission should follow its own precedent and deny Mr. Chatham’s Motion.

**I. Mr. Chatham Has No Special Interest In This Proceeding That Is Not Otherwise Adequately Represented.**

The Commission has granted requests for permissive intervention only upon a showing that the criteria set forth in 807 KAR 5:001, Section 4(11) have been satisfied. Under that regulation, permissive intervention will only be granted if the person “has a special interest in the case that is not otherwise adequately represented” or that granting intervention “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.”<sup>1</sup> Although Mr. Chatham’s Motion does not allege that he has a “special interest” in this case beyond his interest as a customer, he argues that, due to his “industry experience and knowledge,” he does “not believe that another party (i.e.; Attorney General) will be able to represent me in the proceedings.”<sup>2</sup>

The fact that Mr. Chatham is an LG&E customer is not grounds for intervention. His interest as a customer is already well-represented. The Commission has held that a customer’s “interest as a ratepayer is not a special interest. His interest as a ratepayer is already adequately represented by the AG.”<sup>3</sup> The Attorney General, who is statutorily required pursuant to KRS 367.150(8)(b) to represent customers’ interests in Commission proceedings, intervened in this case on February 6, 2014. Because customers’ interests are already represented by the Attorney General, Mr. Chatham’s intervention will not assist the Commission without unduly complicating or disrupting this case.<sup>4</sup> His Motion to Intervene should be denied.

**II. Mr. Chatham Will Not Present Issues Or Develop Facts That Will Assist The Commission Without Unduly Complicating And Disrupting This Case.**

Mr. Chatham is not likely to present issues or develop facts that will assist the Commission in fully considering this matter without unduly complicating or disrupting the proceeding.<sup>5</sup> In his Motion, Mr. Chatham states that he is an engineer who has “experience in the power industry including the siting, construction and operation of several large combine cycle natural gas-fired combustion turbine plants and six large scale utility PV solar plants . . .”<sup>6</sup>

Even so, Mr. Chatham is among countless engineers, accountants, economists, generation facility

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<sup>1</sup> 807 KAR 5:001, Section 4(11)(b).

<sup>2</sup> Mr. Chatham’s Motion, p. 1.

<sup>3</sup> *In the Matter of: Application of Kentucky Utilities Company to File Depreciation Study*, Case No. 2007-00565 and *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Electric Base Rates*, Case No. 2008-00251, Order on Young Intervention, December 5, 2008, p. 5.

<sup>4</sup> *In the Matter of: The 2008 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Case No. 2008-148) Order, July 18, 2008, p. 9.

<sup>5</sup> 807 KAR 5:001, Section 4(11)(b).

<sup>6</sup> Mr. Chatham’s Motion, p. 1.

operators, and other professionals who might claim to have similar expertise on some of the issues in this proceeding. Certainly, it would be complicating and disruptive to allow that entire category of individuals with claimed expertise on facets of a case to intervene and the Commission should not establish a policy that such individuals should be permitted to intervene.

Moreover, any such expertise is customarily utilized in Commission proceedings to advocate the position of a party who has demonstrated an existing special interest in the case. For example, to the extent either of the existing intervenors (the Attorney General and the Kentucky Industrial Utility Customers) in the case seek to provide expert testimony on issues in this case, they are permitted to retain such an expert and submit his/her testimony *on behalf of* that intervenor. Here, Mr. Chatham is attempting to intervene on the grounds that he has some claimed expertise. Because his interest in the case is only as a customer who is already represented by the Attorney General, he lacks the foundation upon which such expertise is typically allowed in Commission proceedings.

While Mr. Chatham's motion sets forth his credentials, he does not explain how he will assist the Commission. The motion is completely devoid of allegations of being able to provide assistance to the crux of this matter – whether the facilities proposed in this case are needed, and, if so, whether they are the least reasonable cost solution to meet that need. He claims no expertise on the critical issue of whether the Companies properly: (1) evaluated and identified the need; and (2) identified the best solution to meet that need.

Finally, Mr. Chatham does not appear to be an attorney and is not represented by an attorney in his Motion to Intervene. His self-representation as an intervenor presumably offering observations based on his experience could also result in undue complication and disruption of these proceedings. The proper means for him to participate in this proceeding is through filing

public comments (which are explicitly allowed pursuant to 807 KAR 5:001, Section 4(11)(e)) and communicating with the Attorney General, who will represent Mr. Chatham's interest as a customer. These mechanisms ensure that Mr. Chatham is given an opportunity to bring his observations to the attention of the Commission without unduly complicating the case.

**III. Conclusion.**

Mr. Chatham's Motion to Intervene fails to identify a special interest in this proceeding not otherwise represented by the Attorney General. His motion also fails to demonstrate that his intervention in this case will present issues or develop facts that will assist the Commission in the resolution of this proceeding without undue complication. For these reasons, Mr. Chatham's Motion to Intervene should be denied.

Dated: March 7, 2014

Respectfully submitted,



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and Kentucky Utilities Company*

**CERTIFICATE OF SERVICE**

This is to certify that Louisville Gas and Electric Company and Kentucky Utilities Company's March 7, 2014 Response to Robert S. Chatham's Motion to Intervene is a true and accurate copy of the documents being filed in paper medium; that the electronic filing was transmitted to the Commission on March 7, 2014; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that a copy of the filing in paper medium is being hand-delivered to the Commission on March 10, 2014; and that on March 7, 2014, electronic mail notification of the electronic filing will be provided to the following:

Dennis G. Howard, II  
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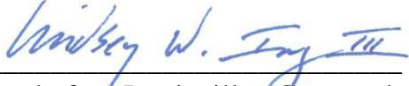
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and that on March 7, 2014, a paper copy of this response has been mailed to:

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Counsel for Louisville Gas and Electric  
Company and Kentucky Utilities Company