

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

**In the Matter of:**

<b>APPLICATION OF KENTUCKY UTILITIES</b>	)	
<b>COMPANY FOR AN ADJUSTMENT OF ITS</b>	)	<b>CASE NO. 2014-00371</b>
<b>ELECTRIC RATES</b>	)	

**KENTUCKY UTILITIES COMPANY’S RESPONSE TO KENTUCKY  
CABLE TELECOMMUNICATIONS ASSOCIATION’S MOTION TO INTERVENE**

Kentucky Utilities Company (“KU”) submits this response to Kentucky Cable Telecommunications Association’s (“KCTA”) motion to intervene in this proceeding.

KU does not oppose KCTA’s motion to intervene in this proceeding for the purpose of challenging the reasonableness of KU’s proposed pole attachment fees. In Case No. 2014-00025,<sup>1</sup> in which KCTA filed a complaint challenging the reasonableness of KU’s existing pole attachment fees, KU stated that its next general rate proceeding would provide a reasonable opportunity to challenge the reasonableness of those fees and that any review of those fees should be deferred until then to avoid the “expenditure of valuable and limited public resources to needlessly re-litigate not only the reasonableness of the Companies’ pole attachment fees, but of **all** rates and charges.”<sup>2</sup>

Prior to granting KCTA’s motion, however, the Commission should ensure that KCTA has standing to intervene. A party has standing to intervene on behalf of its members only to the extent that it is a customer of the utility or has been authorized by its members who are

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<sup>1</sup> Case No. 2014-00025, *Kentucky Cable Telecommunications Association v. Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC filed Jan. 24, 2014).

<sup>2</sup> Memorandum in Support of the Motion of Louisville Gas and Electric Company and Kentucky Utilities Company to Dismiss the Complaint (filed Mar. 17, 2014) at 12 (emphasis in original).

customers of that utility.<sup>3</sup> While KCTA asserts in its motion that it represents certain KCTA members who are KU customers, it fails to identify those members and which of those members have authorized KCTA to seek intervention on their behalf in this proceeding. A general statement that an association has members who are served by an applicant utility is not sufficient to establish standing for intervention.<sup>4</sup> Accordingly, the KPSC should not grant KCTA's motion until KCTA has identified those of its members who are KU customers and who have authorized KCTA to intervene on their behalf.

Finally, administrative economy will further be served by dismissal of KCTA's Complaint in Case No. 2014-00025. To the extent that KCTA has sought in that proceeding to present evidence on the reasonableness of KU's pole attachment fees, that any adjustment of those fees in that proceeding can be made prospective only,<sup>5</sup> and that no evidence has yet been taken in that proceeding, dismissal of KCTA's Complaint will not prejudice KCTA, will reduce the Commission's docket, and will allow all parties to focus exclusively on the proposed rates in this proceeding. To this end, KU has this day jointly moved with the Louisville Gas and Electric Company in Case No. 2014-00025 for dismissal of KCTA's Complaint should the Commission permit KCTA's intervention in this proceeding and Case No. 2014-00372.<sup>6</sup>

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<sup>3</sup> See, e.g. Case No. 2011-00375, *Joint Application of Louisville Gas and Electric Company and Kentucky Utilities Company for a Certificate of Public Convenience and Necessity and Site Compatibility Certificate for the Construction of a Combined Cycle Combustion Turbine at the Cane Run Generating Station and the Purchase of Existing Simple Cycle Combustion Turbine Facilities From Bluegrass Generation Company, LLC in LaGrange, Kentucky* (Ky. PSC Dec. 14, 2011).

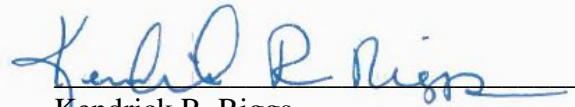
<sup>4</sup> Case No. 2009-00141, *Application of Columbia Gas of Kentucky, Inc. for an Adjustment in Rates* (Ky. PSC July 15, 2009). See also Case No. 98-426, *Application of Louisville Gas and Electric Company for Approval of An Alternative Method of Regulation of Its Rates and Services* (Ky. PSC Mar. 24, 1999) (requiring an intervenor to submit the names and addresses of one or more of its members who it would represent in proceeding and who were customers of the applicant utility).

<sup>5</sup> See KRS 278.270. See also Case No. 94-453, *Big Rivers Electric Corporation's Proposed Mechanism to Credit Customers Amounts Recovered in Judicial Proceedings Involving Fuel Procurement Contracts* (Ky. PSC Feb. 21, 1997) at 5-6 ("While KRS 278.260(1) and KRS 278.270 give the Commission authority to investigate existing rates and establish new rates, the power is limited to prospective rate changes.").

<sup>6</sup> Case No. 2014-00372, *Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates* (Ky. PSC filed Nov. 26, 2014).

Dated: December 16, 2014

Respectfully submitted,

A handwritten signature in blue ink, reading "Kendrick R. Riggs", is written over a horizontal line.

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**CERTIFICATE OF COMPLIANCE**

In accordance with 807 KAR 5:001, Section 8, this is to certify that Kentucky Utilities Company's December 16, 2014 electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing has been transmitted to the Commission on December 16, 2014; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that the original in paper medium is being mailed to the Commission on December 16, 2014.



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*Kenneth R. Nepp*  
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