

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**KENTUCKY UTILITIES COMPANY’S RESPONSE
TO ROSA HUBBARD’S REQUEST FOR APPLICATION TO INTERVENE**

Kentucky Utilities Company (“KU”) hereby responds to Rosa Hubbard’s December 10, 2014 “Request for Application to Intervene.” For the reasons set forth below, to the extent Ms. Hubbard’s request is a Motion to Intervene, it should be denied.

Ms. Hubbard’s request does not provide grounds under 807 KAR 5:001, Section 4(11) for intervention in this matter. Ms. Hubbard offers nothing that demonstrates she has a special interest in this proceeding that is not otherwise represented or that her intervention will assist the Commission in fully considering the matter.¹ The absence of the most basic grounds for intervention requires that the request be denied.

Viewed in the most favorable light, Ms. Hubbard’s request is likely a letter protesting the requested rate increase with an accompanying unsupported “request for application to intervene.” The Commission has regularly denied intervention to persons, including customers, who have submitted similar requests. In Case No. 2010-00036, the Commission denied intervention in a general rate case to Messrs. Ben Blyton and John Thompson. After stating that an intervenor “shall specify his interest in the proceeding,” the Commission held:

¹ 807 KAR 5:001, Section 4(11)(b) requires that an intervenor must have a “special interest in the case that is not otherwise adequately represented or that his or her 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.”

In his request, Mr. Blyton does not articulate that he has a special interest in this proceeding or that he is likely to present issues or to develop facts that will assist the commission in resolving this matter. To the extent that Mr. Blyton is a consumer, the [Attorney General] has been granted full intervention and has the obligation to appear before the commission to represent consumers' interests.²

In KU's 2012 rate case (Case No. 2012-00221), the Commission received letters from three individuals similar to Ms. Hubbard's letter. The Commission construed those letters as requests for intervention and denied intervention on some of the same grounds as the denial in Case No. 2010-00036 – an absence of a special interest and existing adequate representation by the Attorney General.³

In Case No. 2004-00304, the Commission denied intervention to Robert Madison, a Louisville Gas and Electric Company ("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.⁴

In Case No. 2003-00266, the Commission relied on similar reasoning to deny Mr. Madison intervention in that proceeding:

² *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, August 5, 2010 Order, p. 2. The Commission reached the identical holding in denying Mr. Thompson's request in the same case. See Order of March 19, 2010, p. 2 in Case No. 2010-00036.

³ *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, Case No. 2012-00221, Orders of July 12, 2012 (relating to John Thompson), August 9, 2012 (relating to Michael Whipple), and August 9, 2012 (relating to Bruce Nunn).

⁴ *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, September 30, 2004 Order, pp. 3-4.

[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.⁵

Finally, Ms. Hubbard's request provides nothing in the way of qualifications, experience, or background that give reason to believe that she could assist the Commission in considering the facts and issues that are relevant and jurisdictional to the Commission. 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, KU respectfully requests denial of the request.

⁵ *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, August 13, 2003 Order, p. 2.

Dated: December 17, 2014

Respectfully submitted,



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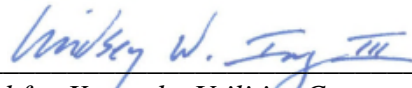
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CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001, Section 8, this is to certify that Kentucky Utilities Company's December 17, 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 17, 2014; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that the original in paper medium is being delivered to the Commission no later than two business days after the electronic filing; and that a paper copy of the filing has been served, via U.S. Mail, on December 17, 2014, upon the following:

Rosa Hubbard
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