

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES)	
COMPANY FOR CERTIFICATES OF)	
PUBLIC CONVENIENCE AND NECESSITY)	CASE NO. 2016-00026
AND APPROVAL OF ITS 2016 COMPLIANCE)	
PLAN FOR RECOVERY BY)	
ENVIRONMENTAL SURCHARGE)	

KENTUCKY UTILITIES COMPANY’S RESPONSE
TO STEPHEN PHILLIPS’S REQUEST TO INTERVENE

Kentucky Utilities Company (“KU”) hereby responds to Stephen Phillips’s March 7, 2016 request to intervene. For the reasons set forth below, the request must be denied. The request does not meet the requirements for intervention as set forth in 807 KAR 5:001, Section 4(11). In addition, under firmly established Kentucky Public Service Commission (“Commission”) precedent, individuals such as Mr. Phillips are adequately represented by the Attorney General and are not permitted to intervene. The Commission should follow its own precedent and deny Mr. Phillips’s request to intervene.

Mr. Phillips’s request does not provide grounds under 807 KAR 5:001, Section 4(11) for intervention in this matter. Mr. Phillips offers nothing that demonstrates he has a special interest in this proceeding that is not otherwise represented or that his intervention will assist the Commission in fully considering the matter.¹ Moreover, Mr. Phillips does not even state that he is a KU customer; he merely requests “to intervene in this tax increase as a citizen.” The absence of these most basic grounds for intervention requires that the request be denied.

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.”

Mr. Phillips's request is a letter protesting the requested environmental surcharge increase with an accompanying unsupported request to intervene. The Commission has regularly denied intervention to persons, including customers, who have submitted similar requests. In KU's 2014 rate case (Case No. 2014-00371), the Commission denied intervention to Ms. Rosa Hubbard, finding that Ms. Hubbard had no special interest in the proceeding, was unlikely to present issues or develop facts that would assist the Commission, and had no special interest not adequately represented by the Attorney General.²

In KU's 2012 rate case (Case No. 2012-00221), the Commission received letters from three individuals similar to Mr. Phillips's letter. Those letters were treated as requests for intervention and intervention was denied because of an absence of a special interest and existing adequate representation by the Attorney General.³ And perhaps most recently, in Kentucky-American Water Company's 2015 rate case (Case No. 2015-00418), the Commission received a letter similar to Mr. Phillips's letter. In denying intervention, the Commission held:

We find that Ms. Connell does not articulate that she has a special interest in this proceeding or that she is likely to present issues or develop facts that will assist the Commission in fully considering this matter. Further, we can only infer from the statements in Ms. Connell's request that she is a KAW customer. To the extent that she is a customer, we find that the AG has been granted full intervention and has the obligation to appear before the Commission to represent the consumers' interest.⁴

² *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2014-00371, Order (Jan. 6, 2015).

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: Application of Kentucky-American Water Company for an Adjustment of Rates*, Case No. 2015-00418, Order (February 29, 2016).

The Attorney General, who is statutorily authorized pursuant to KRS 367.150(8)(b) to represent customers' interests in Commission proceedings, was granted intervention in this proceeding on March 1, 2016.

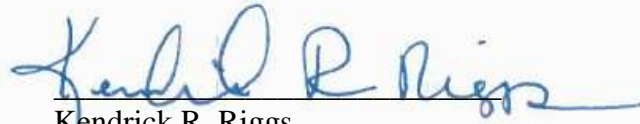
Mr. Phillips's request provides nothing in the way of qualifications, experience, or background that gives reason to believe that he could assist the Commission in considering the facts and issues that are relevant and jurisdictional to the Commission. Certainly, interests of customers and members of the general public will be fully and ably represented by the statutorily authorized representative – the Attorney General. Finally, Mr. Phillips's request is not timely because it was not filed on or before the intervention deadline set by the Commission for this case. The Commission's February 26, 2016 Order states that requests for intervention "shall be filed by"⁵ March 4, 2016, but his request was not filed until March 7, 2016. Therefore, it is untimely.

Mr. Phillips's request to intervene fails to demonstrate that he is a KU customer or identify a special interest in this proceeding not otherwise represented by the Attorney General. His request 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. Finally, his request is untimely. For these reasons, Mr. Phillips's request to intervene should be denied.

⁵ See the Appendix to the Commission's February 26, 2016 Order in this matter.

Dated: March 10, 2016

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

This is to certify that Kentucky Utilities Company's March 10, 2016 electronic filing of the Response to Stephen Phillips's Request To Intervene 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 March 10, 2016; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original in paper medium of this Response will be hand-delivered to the Commission on March 10, 2016; and that on March 10, 2016, electronic mail notification of the electronic filing will be provided to intervenors by the Commission. This further certifies that a true and accurate copy of the foregoing was served, via U.S. Mail, on March 10, 2016, upon the following:

Stephen L. Phillips
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Shelbyville, KY 40065



Counsel for Kentucky Utilities Company