

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ANNUAL COST RECOVERY)
FILING FOR DEMAND SIDE MANAGEMENT BY) CASE NO.
DUKE ENERGY KENTUCKY, INC.) 2016-00382

ATTORNEY GENERAL'S MOTION TO INTERVENE OUT OF TIME

Comes now the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and pursuant to KRS 367.150(8), which grants him the right and obligation to appear before regulatory bodies of the Commonwealth to represent consumers' interests, hereby moves the Kentucky Public Service Commission (hereinafter "PSC" or "Commission") to grant him full intervenor status in this action pursuant to 807 KAR 5:001 Section 4.

The Order in this case dated November 23, 2016 states that, "any motion to intervene filed after December 12, 2016, shall show a basis for intervention and good cause for being untimely." As the Commission has noted on numerous occasions, the Attorney General has a unique statutory right to intervene.¹ Additionally, the Commission has allowed the Attorney General to file for late intervention upon demonstrating good cause.² In this matter, the Attorney General, due to time constraints, was unable to commit to intervention due to a possible lack of resources. Upon review of the timing of the case and the schedules of staff, the Attorney General now believes he is able to adequately participate in this case, including discovery, and will play a constructive role in the Commission's

¹ Case No. 2007-00374, *Application of South Kentucky Rural Electric Cooperative Corporation for Approval to Purchase the Fixed Assets of the Monticello Electric Plant Board, Monticello, Kentucky*, (Ky. PSC Dec. 13, 2007) Order at 4

² Case No. 2016-00054, *Application of Caldwell County Water District for Rate Adjustment Pursuant to 807 KAR 5:0076* (Ky. PSC May 11, 2016) Order at 4

review of this Application. Furthermore, pursuant to the Stipulation and Recommendation currently pending Commission approval in Case No. 2016-00152, Duke Energy Kentucky and the Attorney General proposed the use of the DSM program to implement a pilot time-varying rate design. After further review of this docket, the AG believes that a deeper understanding of Duke's DSM initiatives and the recovery of the costs associated with those initiatives is imperative to effectively protect consumers' interests.

The Attorney General has no intention to request a deviation from the current procedural schedule and the AG has spoken to counsel for Duke Energy Kentucky who has informed him that they do not oppose his late intervention. As the applicant does not object to the Attorney General's intervention and the AG will abide by the proscribed procedural schedule, his late intervention will not unduly prejudice any party.

ANDY BESHEAR
ATTORNEY GENERAL



KENT A. CHANDLER
REBECCA W. GOODMAN
ASSISTANT ATTORNEYS GENERAL
1024 CAPITAL CENTER DRIVE,
SUITE 200
FRANKFORT KY 40601-8204
(502) 696-5456
FAX: (502) 573-1005
Kent.Chandler@ky.gov
Rebecca.Goodman@ky.gov