

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

**IN THE MATTER OF:** )  
 )  
**THE APPLICATION OF KENTUCKY-AMERICAN ) CASE NO. 2017-00313**  
**WATER COMPANY FOR A QUALIFIED )**  
**INFRASTRUCTURE PROGRAM RIDER )**

**RESPONSE TO CHARLES HOWELL’S REQUEST FOR INTERVENTION**

Kentucky-American Water Company (“KAW”) hereby responds to Charles Howell’s August 9, 2017 Request for Intervention. 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). Under that regulation, one moving for intervention must “state his or her interest in the case and how intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.”<sup>1</sup> Mr. Howell’s Request does not attempt to do so. Furthermore, the applicable regulation also states that the Commission shall grant intervention if the movant “has 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 . . . .” Mr. Howell’s request offers nothing in the way of a special interest in this proceeding that is not otherwise represented or that his intervention will assist the Commission in fully considering the matter. The failure to even allege the most basic grounds for intervention requires that the request be denied. Viewed in the most favorable light, the request is actually a letter requesting that the Commission deny the proposed surcharge. The Commission has regularly denied intervention to

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

persons, including customers, who can state no more than that they have particular positions on issues raised in a proposed tariff.<sup>2</sup>

The Commission has already granted the Attorney General's Motion to Intervene in this matter. This further supports denying intervention because the Attorney General is charged with representing customers' interests, such as Mr. Howell's, as his interest is the same as all other residential ratepayers:

[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.<sup>3</sup>

The Commission has likewise denied intervention to customers who claim to represent a particular segment of a utility's customer base.<sup>4</sup> Therefore, even if Mr. Howell's request is somehow construed as an effort to speak for a segment of KAW's customer base, Mr. Howell has provided no reason to believe that his interests are any different than any other customer's.

Finally, the request provides nothing in the way of qualifications, experience, or background that give reason to believe that Mr. Howell could assist the Commission in considering the facts and issues that are relevant and jurisdictional to the Commission.

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<sup>2</sup> See, e.g., *In the Matter of: Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Approval of an Optional Solar Share Program Rider*, Case No. 2016-00274, Order (Ky. PSC Nov. 4, 2016).

<sup>3</sup> *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, Order at 2 (Ky. PSC Aug. 13, 2003).

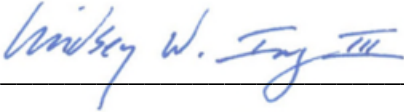
<sup>4</sup> See, e.g., *In the Matter of: General Adjustments in Electric Rates of Kentucky Power Company*, Case No. 2005-00341, Order at 1 (Ky. PSC Feb. 6, 2006) ("This matter arises upon the letters filed by Cromia Tackett, requesting intervention on behalf of herself and other low-income residential ratepayers. Based on the letters, which will be treated as a motion, the Commission finds that intervention has already been granted to the Attorney General's Office, on behalf of all residential customers, and to the Kentucky Association of Community Action, Inc., on behalf of low-income residential customers. Since the interests sought to be protected by the movant are adequately being protected by existing intervenors, the motion should be denied.").

Certainly, the interests of customers and members of the general public will be fully and ably represented by the statutorily authorized representative – the Attorney General.

**WHEREFORE**, KAW respectfully requests denial of Mr. Howell’s Request for Intervention.

Date: August 15, 2017

Lindsey W. Ingram III  
[L.Ingram@skofirm.com](mailto:L.Ingram@skofirm.com)  
Monica H. Braun  
[Monica.braun@skofirm.com](mailto:Monica.braun@skofirm.com)  
STOLL KEENON OGDEN PLLC  
300 West Vine Street, Suite 2100  
Lexington, Kentucky 40507-1801  
Telephone: (859) 231-3000  
Fax: (859) 259-3503

BY:  \_\_\_\_\_

Attorneys for Kentucky-American Water Company

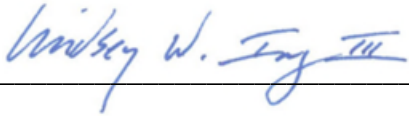
**CERTIFICATE**

This certifies that Kentucky-American Water Company's electronic filing is a true and accurate copy of the documents to be filed in paper medium; that the electronic filing has been transmitted to the Commission on August 15, 2017; that paper copies of the filing will be delivered to the Commission within two business days of the electronic filing; and that no party has been excused from participation by electronic means.

A paper copy of this filing has also been mailed by United States mail, postage prepaid, to:

Charles N. Howell  
839 Albany Road  
Lexington, KY 40502-2901

STOLL KEENON OGDEN PLLC

By 

Attorneys for Kentucky-American Water Company