

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE )  
ENERGY KENTUCKY, INC. TO AMEND ITS ) CASE NO.  
DEMAND SIDE MANAGEMENT PROGRAMS ) 2017-00324

**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 “Commission”) to grant him full intervenor status in this action pursuant to 807 KAR 5:001 Section 4.

The Order in this case dated August 29, 2017 states that, “any motion to intervene filed after September 8, 2017, shall show a basis for intervention and good cause for being untimely.”<sup>1</sup> As the Commission has noted on numerous occasions, the Attorney General has a unique statutory right to intervene.<sup>2</sup> Additionally, the Commission has allowed the Attorney General to file for late intervention upon demonstrating good cause.<sup>3</sup> In this matter, the Attorney General’s Motion to Intervene is being filed only one (1) business day after the deadline for timely intervention. Due to time and resource constraints, including the review of Duke’s own rate increase application,<sup>4</sup> the Attorney General wished to wait until it was

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<sup>1</sup> Order, Case No. 2017-00324. p. 4 (Ky. PSC August 29, 2017).

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> See Case No. 2017-00321.

certain that he could adequately and materially participate in this matter prior to intervening. Upon further review of the procedural schedule of this case and other matters, along with the schedules of his staff, the Attorney General can commit that he is able to adequately participate in this case, including the discovery phase, and will play a constructive role in the Commission's review of this Application. The Attorney General is aware of the Commission's statement in the most recent Duke DSM amendment, whereby the Commission noted its concern about "the increasing number of utility DSM programs and the associated increase in costs to ratepayers."<sup>5</sup> As such, the Attorney General believes his involvement in this matter in order to protect consumers' interest should prove useful in the Commission's contemplation of the Application at hand.

Furthermore, in the Final Order in Case No. 2016-00152, the Commission additionally commented on the need for further scrutiny in its review of all future DSM filings, including the pilot time-varying rate design that was proposed in Duke's and the Attorney General's Stipulation.<sup>6</sup> Considering the Commission's comments regarding DSM, particularly in light of any future filing considering a Pilot Peak Time Rebate tariff, the AG believes that his involvement in this matter will lead to a deeper understanding of Duke's DSM initiatives, which will prove necessary in his consideration of any time-varying rate he may support to be recovered via the DSM mechanism.

The Attorney General will abide by the proscribed procedural schedule, and as such, his late intervention will not unduly prejudice any party.

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<sup>5</sup> Case No. 2016-00289, *Electronic Application of Duke Energy Kentucky, INC. to Amend its Demand Side Management Programs* (Ky. PSC Jan. 24, 2017) Order at 14.

<sup>6</sup> Case No. 2016-00152, *Application Of Duke Energy Kentucky, INC. For (1) A Certificate Of Public Convenience And Necessity Authorizing The Construction Of An Advanced Metering Infrastructure; (2) Request For Accounting Treatment; And (3) All Other Necessary Waivers, Approvals, And Relief* (Ky. PSC May 15, 2017) Order at 15.

Respectfully submitted,

ANDY BESHEAR  
ATTORNEY GENERAL



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