

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

In the Matter of:

**ELECTRONIC JOINT APPLICATION OF LOUISVILLE)
GAS AND ELECTRIC COMPANY AND KENTUCKY)
UTILITIES COMPANY FOR A CERTIFICATE OF PUBLIC) CASE NO. 2018-00005
CONVENIENCE AND NECESSITY FOR FULL)
DEPLOYMENT OF ADVANCED METERING SYSTEMS)**

**MOTION OF METROPOLITAN HOUSING COALITION
FOR FULL INTERVENTION**

Comes the Metropolitan Housing Coalition (MHC), by and through counsel, on behalf of members who are directly affected and may be adversely affected by this matter, and respectfully moves to intervene into the above-captioned proceeding as a full party. Pursuant to 807 Kentucky Administrative Regulation ("KAR") 5:001 Section 4(11), MHC respectfully requests that it be accorded the rights and privileges of a full Intervenor in these proceedings, and in support thereof, states as follows:

1. Intervention in formal proceedings before the Kentucky Public Service Commission ("Commission") is governed by 807 KAR 5:001 Section 4(11), which provides in relevant part that:

A person who wishes to become a party to a case before the Commission may, by timely motion, request leave to intervene. The motion shall include the movant's name and address and shall 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.

807 KAR 5:001 Section 4(11).

2. MHC is a nonprofit, nonpartisan membership organization incorporated under the laws of the Commonwealth of Kentucky in 1989 and comprised of over 200 individual members and 70 member organizations. MHC members include representatives of low-income households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, as well as other advocacy groups, advocating in a united voice for fair, safe, and affordable housing in the Metro Louisville area. For over two decades, the MHC has utilized the public and private resources of the Metro Louisville community to provide equitable, accessible housing choices for all persons through advocacy, public education, and through support for affordable housing providers.

3. MHC will accept and abide by the existing procedural schedule to be entered in this matter, including the filing of any Intervenor testimony and response to any data requests from any party, and thus there is no prejudice to the applicant or other parties from the grant of full intervenor status to MHC at this time.

4. The grant of intervention to a person pursuant to 807 KAR 5:001 Section 4(11) is within the sound discretion of the Commission.

5. As part of its mission, MHC has focused on energy costs, rates and service, as part of fair and affordable housing for many years. The MHC 2008 *State of Metropolitan Housing Report* focused on utility costs

and affordable housing, as did the follow-up MHC 2013 report on *How to Lower Utility Costs*. Utility costs are a significant component of affordable shelter and on these issues MHC has done research, effectively advocated for policy changes, represented non-profit affordable housing developers, and worked with local and statewide organizations. MHC's Director, Cathy Hinko, was an original board member of the Affordable Energy Corporation and continues to serve on that board. MHC brings a perspective on demand side management programs that is from the practitioner's viewpoint, and has been an active member of the LG&E Customer Care Advisory Group since the program's inception. MHC has also served on the LG&E Energy Efficiency Advisory Group. MHC is also on the Community Winter Help Board.

6. MHC has a \$900,000 dollar loan pool for non-profit developers to create affordable housing, whether rental or owner-occupied, new or rehabilitated. MHC has been actively involved in policy making for energy efficient housing rehabilitation programs, securing changes in the use of stimulus weatherization dollars to include rental and multi-family housing.

7. MHC's interest in this matter relates to the potential adverse effects of deployment of advanced metering systems on affordable housing and low- and fixed-income homeowners and renters. Among the concerns of MHC are whether the deployment of AMS will provide

benefits justifying replacement of existing meters that have remaining useful life, above the costs of deployment and potential replacement of the new meter systems. Of particular concern are the impacts of AMS on renters, on persons without computer access, on those without meaningful opportunity to manage energy costs due to housing status or income.

MHC, through the annual State of Metropolitan Housing Report, has presented information and analysis of residential patterns that is not researched by any other entity and which is focused on populations that are low-income and/or protected by the federal, state, and/or local fair housing laws. For example, the 2017 State of Metropolitan Housing Report examines renters in both Louisville Metro and the Louisville MSA, a group that may be impacted in use of AMS programs. Since 38% of all occupied housing units in Louisville Metro are rented, and those renters would be paying charges for AMS deployment, this can present an important consideration in the design and cost-allocation of a program that may be of limited or no utility to such customers by virtue of their housing status. Additionally, since 63% of Black/African American households, 61% of Hispanic/Latino households rent and 58% of female headed households rent, this case has the potential to have more far-reaching implications in the approval of AMS deployment. This interest is different than the general public interest, and this Commission has in the past approved full intervention for MHC, recognizing that MHC's intervention is "likely to

present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.”

8. MHC has participated fully in the collaborative that was established in Case No. 2016-00371 as part of a settlement stipulation and recommendation in which LG&E withdrew a request for approval of a Certificate of Public Convenience and Necessity and for cost recovery for deployment of AMS. Existing parties to the proceeding do not adequately represent the interests of MHC and its members. While there is some overlapping of the population represented by low-income utility ratepayer advocates and service providers and the MHC, no current party represents the specific perspective and interests in the AMS proposal, on those needing **and** those providing affordable housing.

9. 807 KAR 5:001 Section 4(11)(b) provides that the Commission shall grant full intervention status if the person “has special interests 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.” The special interests of MHC and its members in the nexus between utility costs, rates, service, and safe and affordable housing are squarely within the ambit of the Commission’s

jurisdiction and this proceeding and are not adequately represented, as discussed above.

10. Alternatively, full intervention should be granted since the participation of MHC would assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding. The participation of MHC will hopefully assist the Commissioners in determining whether and on what terms the AMS proposal should be approved and the costs of the deployment and retirement of existing meters allocated.

WHEREFORE, for the reasons stated above and in the interests of assuring that those constituencies most directly affected by the electric and gas utility policies, programs, rates and service in the Louisville area are heard during this deliberative process, because the special interests of MHC and its member ratepayers are not adequately represented by existing parties or parties that have filed for intervenor status, and in order to provide information that will assist the Commission in fully considering the matter, Movant MHC requests, on behalf of its member ratepayers, that it be accorded the status of full Intervenor, and that each party to the case be directed to serve upon MHC and the undersigned counsel, all future pleadings and documents that are filed in this case.

Respectfully submitted,



Tom FitzGerald
Kentucky Resources Council, Inc.
P.O. Box 1070
Frankfort, KY 40602
(502) 875-2428
FitzKRC@aol.com

*Counsel for Movant, Metropolitan
Housing Coalition*

CERTIFICATE OF SERVICE

This is to certify that electronic version of the Motion of Metropolitan Housing Coalition For Full Intervention 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 January 22, 2018; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original and six (6) copies in paper medium of the Motion of Metropolitan Housing Coalition For Full Intervention will be delivered by priority mail within two (2) business day of January 22, 2018 to the Commission.



Tom FitzGerald