

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)
KENTUCKY UTILITIES COMPANY FOR AN) CASE NO. 2018-00294
ADJUSTMENT OF ITS ELECTRIC RATES)

**KENTUCKY UTILITIES COMPANY'S
OBJECTION TO REQUEST FOR INTERVENTION**

Kentucky Utilities Company ("KU" or the "Company") respectfully requests that the Commission deny the request of Elizabeth Shannon ("Ms. Shannon") for intervention. Ms. Shannon's request should be denied for three principal reasons: (1) the request fails to include Ms. Shannon's electronic mail address as required by 807 KAR 5001 § 4(11)(a)(1); (2) the request does not demonstrate a special interest in the proceeding because Ms. Shannon's stated interest is common to all customers and is adequately represented by other parties; (3) the request fails to show that Ms. Shannon will identify any issues or develop facts that will assist the Commission in the resolution of this matter without unduly complicating and disrupting the proceeding. Because Ms. Shannon has not satisfied the requirements for intervention under 807 KAR 5:001 § 4(11), KU respectfully requests that the Commission deny Ms. Shannon's request for intervention.

Ms. Shannon's Request Fails to Include a Mailing Address

The Commission's regulations require that a person who wishes to intervene must include in the motion requesting leave to intervene the movant's full name, mailing address, and electronic mail address. Ms. Shannon's request to intervene fails to include an electronic mail address. Because Ms. Shannon's request for intervention fails to meet the requirements of 807 KAR 5:001 § 4(11)(a)(1), it should be denied.

Ms. Shannon Does Not Have a Special Interest in This Proceeding

The Commission may grant Ms. Shannon's request for intervention only if it meets the requirements of 807 KAR 5:001 § 4(11)(b). Ms. Shannon does not satisfy the first basis for permissive intervention, which requires the movant to demonstrate a special interest in the proceeding that is not already represented by another party to the action.¹ Ms. Shannon's *only* claimed special interest in this proceeding is her general status as a residential customer. The Commission has consistently held that a person's status as a customer is *not* a special interest meriting full intervention.² Therefore, the Commission has denied many individual residential customers' petitions to intervene in rate cases.³

Instead, the Attorney General has a statutory right, pursuant to KRS 367.150(8)(b), to represent customers' interests in proceedings such as this one. The Attorney General's motion to intervene in this case was filed on October 2, 2018. The Attorney General has significant expertise and years of experience in representing ratepayers' interests in rate proceedings,

¹ *In the Matter of: Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2018-00294, Order (Ky. PSC Oct. 11, 2018) (stating the requirements for a person requesting permissive intervention in a Commission proceeding).

² *In the Matter of: Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge*, Case No. 2009-00198, Order (Ky. PSC Aug. 28, 2009) (denying intervention to customer Tammy Stewart on ground she lacked a special interest meriting intervention, as well as expertise that would assist the Commission); *In the Matter of: Application of Kentucky Utilities Company for an Order Approving the Establishment of a Regulatory Asset*, Case No. 2009-00174, Order (Ky. PSC June 26, 2009) (denying Rep. Jim Stewart's Motion to Intervene because he had neither a special interest in the proceeding nor was he likely to assist the Commission to render a decision); *In the Matter of: Joint Application of Louisville Gas and Electric Company, Association of Community Ministries, Inc., People Organized and Working for Energy Reform, and Kentucky Association for Community Action, Inc. for the Establishment of a Home Energy Assistance Program*, Case No. 2007-00337, Order (Ky. PSC Sept. 14, 2007) ("[H]old[ing] a particular position on issues pending in ... [a] case does not create the requisite 'special interest' to justify full intervention under 807 KAR 5:001, Section 3(8)(b).").

³ *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2012-00221, Order (Ky. PSC Aug. 9, 2012) (denying customer Bruce Nunn's request for intervention); *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2012-00221, Order (Ky. PSC Aug. 9, 2012) (denying customer Michael Whipple's request for intervention); *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Base Rates*, Case No. 2009-00548 (Ky. PSC June 2, 2010) (denying customer Geoffrey M. Young's request for intervention); *In the Matter of: An Adjustment of the Electric Rates, Terms, and Conditions of Louisville Gas and Electric Company*, Case No. 2003-00433, Order (Ky. PSC Jan. 21, 2004) (denying customer Robert L. Madison's request for intervention).

including every prior KU rate case.⁴ In an order denying intervention, the Commission reaffirmed that the Attorney General represents the generalized interest Ms. Shannon claims in this case:

The Commission further finds that Petitioner has failed to establish that it has a special interest in this matter that is not otherwise adequately represented, notwithstanding Petitioner's generalized representation that its current members would be impacted by Big Rivers' application. Big Rivers provides power to approximately 112,000 customers, and each one of those customers will be impacted financially by the issues in this rate case.⁵

The same analysis merits denying intervention to Ms. Shannon.

Ms. Shannon states that the proposed rate increase would burden low-income customers. Although not stated in Ms. Shannon's request, to the extent Ms. Shannon believes her advocacy for low-income customers merits intervention, this interest is likewise already well represented in this proceeding. The Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc. ("CAC") sought intervention on October 2, 2018. The CAC, as in prior KU rate cases, represents the interests of low-income customers in KU's service territory. As a result, Ms. Shannon does not have a special interest in the proceeding and her motion to intervene should be denied.

⁴ See, e.g., *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates and for Certificates of Public Convenience and Necessity*, Case No. 2016-00370; *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2014-00371; *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2012-00221; *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Base Rates*, Case No. 2009-00548; *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Electric Base Rates*, Case No. 2008-00251.

⁵ *In the Matter of: Application of Big Rivers Electric Corporation for a General Adjustment in Rates Supported by Fully Forecasted Test Period*, Case No. 2013-00199, Order (Ky. PSC Nov. 12, 2013).

**The Commission Should Deny Ms. Shannon's Request to Intervene
Because Ms. Shannon Has Not Demonstrated That She Will Present Issues
or Develop Facts That Would Assist the Commission**

Because Ms. Shannon lacks an interest in this proceeding that is not adequately represented by other parties, Ms. Shannon may intervene only if she can show that she will present issues or develop facts that will assist the Commission without unduly complicating or disrupting the proceeding.⁶ The request fails to do so. Ms. Shannon has never intervened in a Commission proceeding and the request does not allege any expertise or experience with ratemaking. Ms. Shannon's request does not identify any specific issue or component of the case that she will present, or the facts she intends to develop. It does not allege she will file expert testimony. In short, Ms. Shannon has not shown she will present issues or develop facts that will assist the Commission.

Having a significant number of individual customers intervene in this case, especially those without expertise or experience in rate cases, will unduly complicate and disrupt this proceeding. The proper means for Ms. Shannon to participate in this case is through filing public comments. She has filed what appears to be public comment in the record. Moreover, Ms. Shannon may also provide oral comments at the public hearing in this matter. These mechanisms ensure that Ms. Shannon is given an opportunity to present her comments without unduly complicating the pending action.

Conclusion

Ms. Shannon has not satisfied either of the bases for permissive intervention set forth in 807 KAR 5:001 §4(11)(b). Ms. Shannon does not have a special interest that is not already adequately represented by other parties, and she has not shown an ability to present issues or

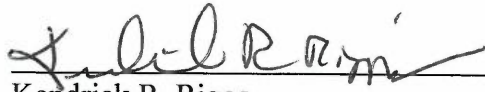
⁶ *In the Matter of: Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2018-00294, Order (Ky. PSC Oct. 11, 2018) (stating the requirements for a person requesting permissive intervention in a Commission proceeding).

develop facts that will assist the Commission in considering KU's proposed rates without unduly complicating and disrupting this proceeding.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission deny Ms. Elizabeth Shannon's request to intervene.

Dated: October 15, 2018

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Kentucky Utilities Company's October 15, 2018 electronic filing is a true and accurate copy of the documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on October 15, 2018; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that an original of the filing will be filed by hand-delivery with the Commission within two business days from the date of the electronic filing; and on October 15, 2018, a true and accurate copy of the response was served on Ms. Elizabeth Shannon by regular U.S. mail, postage prepaid.



Counsel for Kentucky Utilities Company