

not already represented by another party to the action.¹ Mr. Goodin’s and Mr. and Ms. Daugherty’s *only* claimed special interest in this proceeding is their general status as residential customers. 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 granted on October 15, 2018.⁴ The Attorney General has significant expertise and years of experience in representing ratepayers’ interests in rate proceedings, including every prior KU rate case.⁵ In an order denying intervention, the Commission

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).

⁴ *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. 15, 2018).

⁵ *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*

reaffirmed that the Attorney General represents the generalized interest Mr. Goodin and Mr. and Ms. Daugherty claim 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.⁶

Furthermore, the Commission recently issued orders in the case at hand denying requests for intervention by the Community Action Council and the Sierra Club, stating that the interests of these two groups are adequately represented by the Attorney General.⁷ The same analysis merits denying intervention to Mr. Goodin and Mr. and Ms. Daugherty.

Mr. Goodin states that the proposed rate increase would cause an undue hardship and Mr. and Ms. Daugherty state that it would be an unbearable cost increase. The Attorney General represents the general public regarding the burden of the proposed rate increase. As a result, Mr. Goodin and Mr. and Ms. Daugherty do not have a special interest in the proceeding and their motions to intervene should be denied.

The Commission Should Deny Mr. Goodin's and Mr. and Ms. Daugherty's Requests to Intervene Because Mr. Goodin and Mr. and Ms. Daugherty Have Not Demonstrated That They Will Present Issues or Develop Facts That Would Assist the Commission

Because Mr. Goodin and Mr. and Ms. Daugherty lack an interest in this proceeding that is not adequately represented by other parties, Mr. Goodin and Mr. and Ms. Daugherty may intervene only if they can show that they will present issues or develop facts that will assist the

Matter of: Application of Kentucky Utilities Company for an Adjustment of Electric Base Rates, Case No. 2008-00251.

⁶ *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).

⁷ *In the Matter of: Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2018-00294, Order No. 5 (Ky. PSC Nov. 9, 2018); *In the Matter of: Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2018-00294, Order No. 6 (Ky. PSC Nov. 9, 2018).

Commission without unduly complicating or disrupting the proceeding.⁸ The requests fail to do so. Mr. Goodin and Mr. and Ms. Daugherty have never intervened in a Commission proceeding and the requests do not allege any expertise or experience with ratemaking. Mr. Goodin and Mr. and Ms. Daugherty's requests do not identify any specific issue or component of the case that they will present, or the facts they intend to develop. The requests do not allege they will file expert testimony. In short, Mr. Goodin and Mr. and Ms. Daugherty have not shown they 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 Mr. Goodin and Mr. and Ms. Daugherty to participate in this case is through filing public comments. They have filed what appear to be public comments in the record. Moreover, Mr. Goodin and Mr. and Ms. Daugherty may also provide oral comments at the public hearing in this matter. These mechanisms ensure that Mr. Goodin and Mr. and Ms. Daugherty are given an opportunity to present their comments without unduly complicating the pending action.

Conclusion

Mr. Goodin and Mr. and Ms. Daugherty have not satisfied either of the bases for permissive intervention set forth in 807 KAR 5:001 §4(11)(b). Mr. Goodin and Mr. and Ms. Daugherty do not have a special interest that is not already adequately represented by other parties, and they have not shown an ability to present issues or develop facts that will assist the Commission in considering KU's proposed rates without unduly complicating and disrupting this proceeding.

⁸ *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).

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission deny Mr. Goodin's and Mr. and Ms. Daugherty's requests to intervene.

Dated: November 13, 2018

Respectfully submitted,

A handwritten signature in blue ink that reads "Kendrick R. Riggs". The signature is written in a cursive style and is positioned above a horizontal line.

Kendrick R. Riggs
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828
Telephone: (502) 333-6000
Fax: (502) 627-8722
kendrick.riggs@skofirm.com

Allyson K. Sturgeon
Managing Senior Counsel
Regulatory and Transactions
LG&E and KU Services Company
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-2088
Fax: (502) 627-3367
allyson.sturgeon@lge-ku.com

Counsel for Kentucky Utilities Company

CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Kentucky Utilities Company's November 13, 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 November 13, 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 November 13, 2018, a true and accurate copy of the response was served on Mr. Travis Goodin and Mr. Don Daugherty and Ms. Michelle Daugherty by regular U.S. mail, postage prepaid.

A handwritten signature in blue ink, appearing to read "Gerald R. Niess", is written over a light gray rectangular background.

Counsel for Kentucky Utilities Company