

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

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND ELECTRIC)	CASE NO.
COMPANY FOR AN ADJUSTMENT OF ITS)	2018-00295
ELECTRIC AND GAS RATES)	

**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 300 individual and organizational members. 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 almost three 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. This motion for intervention is timely, since the Commission has not entered a scheduling order establishing a deadline for intervention, and the case filing was made on the 28th of September, 2018. MHC will accept and abide by the procedural schedule, including the filing of any Intervenor testimony and response to any data requests from any party, when that procedural schedule is adopted, 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 electric and gas utility costs 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 the impact of rate adjustments for electric and gas service and the particular and disproportionate impacts that such rate increases have on access to affordable housing for fixed- and low-income individuals and families, and has been an active member of the LG&E Customer Care Advisory Group since the program's inception and a member of the LG&E-KU Energy Efficiency Advisory Group. MHC is also on the Community Winter Help Board. In 2016, MHC worked with LG&E to update the *How to Lower Utility Costs: A Guide to Louisville Programs for Energy Efficient Improvements and Resources to Help Pay a Utility Bill* that MHC had first written and published in 2013.

6. MHC has a \$800,000-dollar loan pool for non-profit developers to create affordable housing, whether rental or owner-occupied, new or

rehabilitated. MHC mandates energy efficiency measures and encourages alternative energy provision. A non-profit developer that has used solar power in multi-family housing construction has expressed concern about the increased disincentive to use solar power due to the proposed rate structure changes.

7. MHC is particularly concerned with both the structure and the amount of the proposed rate increases, since by increasing the flat monthly service charge by an average \$3.87 per month or \$46.45 per year, the rate increases will tend to fall heaviest on the poor and elderly utility customers, for whom utility costs are already disproportionately higher than the average LG&E customer. Similarly, the increase in meter charge for gas service of \$3.42 per month will affect most those who can least afford the monthly charge. Meter charge increases are inelastic and low-income persons cannot limit their cost in a meter charge. The impact of increased electric and gas rates on the provision of affordable housing is to raise the utility costs for ratepayers that can least afford such increases.

8. MHC is also interested in lowering costs for affordable housing developers who have been using alternative energy sources, such as solar panels. This includes, but is not limited to non-profit housing developers (this includes rehabilitation and reuse) to whom MHC makes loans.

9. MHC's interest is different than the public interest, and this Commission has, in Case No. 2011-00134, 2014-00003, 2014-00372, and 2016-00371 recognized 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." Additionally, MHC's reports provide a depth of data and understanding on the impact of changes on the public, low-income households and households that are subject to protection of Fair Housing Laws.

10. 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 of those needing **and** those providing affordable housing.

11. 907 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 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.

12. 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 the amount and structure of the requested rate increase are fair, just, and reasonable, and on what terms the current rates and rate structure should be modified.

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,



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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 October 1, 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 ten copies in paper medium of the Motion of Metropolitan Housing Coalition For Full Intervention will be mailed, priority mail, to the Commission on October 1, 2018.



Tom FitzGerald