

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**LOUISVILLE GAS AND ELECTRIC COMPANY'S
OBJECTION TO REQUEST FOR INTERVENTION**

Louisville Gas and Electric Company ("LG&E" or the "Company") respectfully requests that the Commission deny the request of Teresa V. Miller ("Ms. Miller") for intervention. Ms. Miller's request should be denied for three principal reasons: (1) the request fails to include Ms. Miller's full mailing 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. Miller's stated interest is common to all customers and is adequately represented by other parties; (3) the request fails to show that Ms. Miller 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. Miller has not satisfied the requirements for intervention under 807 KAR 5:001 § 4(11), LG&E respectfully requests that the Commission deny Ms. Miller's request for intervention.

Ms. Miller's Request Fails to Include a Full 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. Miller's request to intervene states her address is "6117 Park Road," but includes no further information about the city, state, or zip code. Ms. Miller has requested intervention in this proceeding and the proceeding of Kentucky Utilities Company ("KU").

After review, it was determined that Ms. Miller is a customer of LG&E, not KU. Because Ms. Miller's request for intervention fails to meet the requirements of 807 KAR 5:001 § 4(11)(a)(1), it should be denied.

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

The Commission may grant Ms. Miller's request for intervention only if it meets the requirements of 807 KAR 5:001 § 4(11)(b). Ms. Miller 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. Miller'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

¹ *In the Matter of: Electronic Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates*, Case No. 2018-00295, 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).

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, including every prior LG&E rate case.⁴ In an order denying intervention, the Commission reaffirmed that the Attorney General represents the generalized interest Ms. Miller 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. Miller.

Ms. Miller states that the proposed rate increase will negatively affect low-income customers, including those who are elderly, on fixed incomes, and single mothers. Although not stated in Ms. Miller's request, to the extent Ms. Miller believes her advocacy for low-income customers merits intervention, this interest is likewise already well represented in this proceeding. The Metropolitan Housing Coalition ("MHC") sought intervention on October 1, 2018. MHC, as in prior LG&E rate cases, represents the interests of its members, which include

⁴ See, e.g., *In the Matter of: Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates and for Certificates of Public Convenience and Necessity*, Case No. 2016-00371; *In the Matter of: Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates*, Case No. 2014-00372; *In the Matter of: Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates, a Certificate of Public Convenience, Approval of Ownership of Gas Service Lines and Risers, and a Gas Line Surcharge*, Case No. 2012-00222; *In the Matter of: Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Base Rates*, Case No. 2009-00549; *In the Matter of: Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Base Rates*, Case No. 2008-00252; *In the Matter of: An Adjustment of Gas and Electric Rates, Terms and Conditions of Louisville Gas and Electric Company*, Case No. 2003-00433.

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).

low-income households, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, and other advocacy groups. As a result, Ms. Miller does not have a special interest in the proceeding and her motion to intervene should be denied.

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

Because Ms. Miller lacks an interest in this proceeding that is not adequately represented by other parties, Ms. Miller 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. Miller has never intervened in a Commission proceeding and the request does not allege any expertise or experience with ratemaking. Ms. Miller'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. Miller 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. Miller to participate in this case is through filing public comments. She has filed what appears to be public comment in the record. Moreover, Ms. Miller may also provide oral comments at the public hearing in this matter. These mechanisms ensure that Ms. Miller is given an opportunity to present her comments without unduly complicating the pending action.

⁶ *In the Matter of: Electronic Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates*, Case No. 2018-00295, Order (Ky. PSC Oct. 11, 2018) (stating the requirements for a person requesting permissive intervention in a Commission proceeding).

Conclusion

Ms. Miller has not satisfied either of the bases for permissive intervention set forth in 807 KAR 5:001 §4(11)(b). Ms. Miller 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 develop facts that will assist the Commission in considering LG&E's proposed rates without unduly complicating and disrupting this proceeding.

WHEREFORE, Louisville Gas and Electric Company respectfully requests that the Commission deny Ms. Teresa V. Miller's request to intervene.

Dated: October 15, 2018

Respectfully submitted,



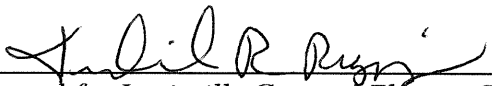
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Counsel for Louisville Gas and Electric Company

CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Louisville Gas and Electric 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. Teresa V. Miller by regular U.S. mail, postage prepaid.



Counsel for Louisville Gas and Electric Company