

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

<b>IN THE MATTER OF:</b>	)	
	)	
<b>THE APPLICATION OF KENTUCKY-</b>	)	<b>CASE NO. 2018-00358</b>
<b>AMERICAN WATER COMPANY FOR AN</b>	)	
<b>ADJUSTMENT OF RATES</b>	)	

**RESPONSE TO NISHAAN  
SANDHU’S REQUEST FOR INTERVENTION**

Kentucky-American Water Company (“KAW”) hereby responds to Nishaan Sandhu’s December 7, 2018 Request for Intervention. For the reasons set forth below, the request must be denied.

The request does not meet the requirements for intervention as set forth in 807 KAR 5:001, Section 4(11). Under that regulation, one moving for intervention must “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.”<sup>1</sup> Mr. Sandhu’s Request fails to do so. Furthermore, the applicable regulation also states that the Commission shall grant intervention “if . . . he or she has a special interest 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 . . . .”<sup>2</sup> Mr. Sandhu’s request offers nothing in the way of a special interest in this proceeding that is not otherwise represented or that his intervention will assist the Commission in fully considering the matter. The failure to even attempt to establish the most basic grounds for intervention requires that the request be denied.

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<sup>1</sup> 807 KAR 5:001, Section 4(11)(a)(1).

<sup>2</sup> 807 KAR 5:001, Section 4(11)(a)(2)(b).

Viewed in the most favorable light, the request is more likely a letter protesting the requested rate increase with accompanying unsupported language requesting intervention. The Commission has regularly denied intervention to persons, including customers, who can state no more than that they have particular positions on issues. In fact, the Commission denied similar intervention requests in KAW's 2010 rate case when it held that the Attorney General represents consumers' interests.<sup>3</sup> The Commission held similarly in KAW's 2015 rate case.<sup>4</sup> As of the date of this filing, the Attorney General has not moved to intervene in this matter. However, the Attorney General's intervention is expected, and, of course, the Commission may wait until that intervention happens before ruling on Mr. Sandhu's request if necessary.

In Case No. 2004-00304, the Commission denied intervention to Robert Madison, an LG&E customer, in a case concerning LG&E's Home Energy Assistance Program. The Commission held:

[T]he mere fact that Mr. Madison has a particular position on issues pending in this case does not create the requisite 'special interest' sufficient to justify full intervention under 807 KAR 5:001, Section 3(8)(b). Mr. Madison's request for reconsideration contains no additional facts or arguments to demonstrate that his interest in these proceedings differs from that of any other residential customer of LG&E.<sup>5</sup>

In Case No. 2003-00266, the Commission relied on similar reasoning to deny Mr. Madison intervention in that proceeding:

[T]he Commission finds that Mr. Madison has not demonstrated that, as a residential consumer, he has any interest in this case that

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<sup>3</sup> *In the Matter of: Application of Kentucky-American Water Company for an Adjustment of Rates*, Case No. 2010-00036, Orders of [March 19, 2010](#) and [August 5, 2010](#).

<sup>4</sup> *In the Matter of: Application of Kentucky-American Water Company for an Adjustment of Rates*, Case No. 2015-0048, Order of [February 29, 2016](#).

<sup>5</sup> *In the Matter of: Joint Application of Louisville Gas and Electric Company, Metro Human Needs Alliance, 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. 2004-00304, Order at 3-4 (Sept. 30. 2004).

differs from the interests of LG&E's other 334,000 residential electric customers. The AG has been granted full intervention in this case, and he is charged by statute with representing the interests of all consumers.<sup>6</sup>

Finally, the requests provide nothing in the way of qualifications, experience, or background that give reason to believe that Mr. Sandhu could assist the Commission in considering the facts and issues that are relevant and jurisdictional to the Commission. Certainly, the interests of customers and members of the general public will be fully and ably represented by the statutorily authorized representative – the Attorney General.

**WHEREFORE**, KAW respectfully requests denial of Mr. Sandhu's Request for Intervention.

Date: December 14, 2018

Respectfully submitted,

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By:

  
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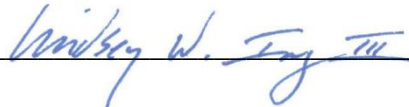
<sup>6</sup> *In the Matter of: Investigation into the Membership of Louisville Gas and Electric Company and Kentucky Utilities Company in the Midwest Independent Transmission System Operator, Inc.*, Case No. 2003-00266, Order at 2 (Aug. 13, 2003).

**CERTIFICATE**

This certifies that Kentucky-American Water Company's electronic filing is a true and accurate copy of the documents to be filed in paper medium; that the electronic filing has been transmitted to the Commission on December 14, 2018; that a paper copy of the filing will be delivered to the Commission within two business days of the electronic filing; and that no party has been excused from participation by electronic means. This further certifies that a true and accurate copy of the foregoing was served, via U.S. Mail, on December 14, 2018, upon the following:

Nishaan Sandhu  
457 Silver Maple Way  
Lexington, Kentucky 40508

STOLL KEENON OGDEN PLLC

By: 

Attorneys for Kentucky-American Water Company