

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ANNUAL COST RECOVERY	)	
FILING FOR DEMAND SIDE MANAGEMENT	)	CASE NO.
BY DUKE ENERGY KENTUCKY, INC.	)	2018-00370

**ATTORNEY GENERAL'S MOTION TO INTERVENE OUT OF TIME**

Comes now, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and moves the Commission grant him intervention in the instant proceeding. KRS 367.150 (8) provides the Attorney General the power and duty to appear before regulatory bodies of the Commonwealth of Kentucky, and to be made a real party in interest, in order to represent and be heard on behalf of consumers' interests, "whenever deemed necessary and advisable . . . by the Attorney General." The Attorney General has determined that it is in the consumers' interest for him to be made a real party in interest in this matter, and hereby moves the Kentucky Public Service Commission ("Commission") to grant him full intervenor status in this action. In further support of his motion, the Attorney General states as follows.

The Commission's order in this matter, issued December 13, 2018, states that, "[a]ny motion to intervene filed after December 21, 2018, shall show a basis for intervention and good cause for being untimely, and must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts the person will present that will assist the Commission in fully considering the matter. If the untimely motion is granted, the movant shall accept and abide by the

existing procedural schedule.”<sup>1</sup> On April 9, 2019, the Commission issued an order giving notice that it intends to incorporate by reference the record of Case No. 2018-00261 into this matter.<sup>2</sup> The Attorney General was a party to Case No. 2018-00261, and conducted discovery, supported testimony and participated in a hearing in the matter.

As the Commission has previously noted, the Attorney General has a unique statutory right of intervention.<sup>3</sup> Additionally, the Commission has historically granted the Attorney General leave to intervene out of time upon a showing of good cause.<sup>4</sup> Due to time and resource constraints, the Attorney General must be selective and deliberate when choosing to intervene in Commission matters to ensure he can fully and adequately participate in each case. Due to the aforementioned constraints, his current caseload, and the short turnaround time between the issuance of the procedural order and the intervention deadline, the Attorney General was not certain as to whether he could commit to full participation in this case. Upon further review, the Attorney General can commit to full participation at this time, and believes that his involvement will assist the Commission in developing the record and identifying pertinent issues, especially since he played such a constructive role in Case No. 2018-00261. As such, the Attorney General believes that granting his motion is in the public interest, as his involvement will help to

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<sup>1</sup> Order, *Electronic Annual Cost Recovery Filing for Demand Side Management by Duke Energy Kentucky, Inc.*, Case No. 2018-00370 (Ky. PSC December 13, 2018) at 3.

<sup>2</sup> Order, *Electronic Annual Cost Recovery Filing for Demand Side Management by Duke Energy Kentucky, Inc.*, Case No. 2018-00370 (Ky. PSC April 9, 2019) at 1.

<sup>3</sup> Commission Order, *Application of South Kentucky Rural Electric Cooperative Corporation for Approval to Purchase the Fixed Assets of the Monticello Electric Plant Board, Monticello, Kentucky*, Case No. 2007-00374, at 3–4 (Ky. Commission Dec. 13, 2007) (citing to KRS 367.150(8)).

<sup>4</sup> See Commission Order, *Application of Caldwell County Water District for Rate Adjustment Pursuant to 807 KAR 5:0076*, Case No. 2016-00054 (Ky. Commission May 11, 2016); Commission Order, *Electronic Application Of Duke Energy, Inc. To Amend Its Demand Side Management Programs*, Case No. 2017-00324 (Ky. Commission Oct. 10, 2017).

protect consumers' interests, which will in turn prove beneficial to the Commission in its full consideration of the issues at hand.

Furthermore, the Attorney General's intervention at this stage will not prove unduly complicating or burdensome to the proceedings, as the Commission's 20-day deadline to object to incorporation of the rate case record has yet to expire. Finally, the Attorney General agrees to abide by the procedural schedule, and thus no party will be unduly prejudiced.

**WHEREFORE**, for these reasons the Attorney General requests that his Motion to Intervene Out of Time be granted.

Respectfully submitted,

ANDY BESHEAR  
ATTORNEY GENERAL



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