

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO)
EXCESSIVE WATER LOSS BY KENTUCKY’S) CASE NO. 2019-00041
JURISDICTIONAL WATER UTILITIES)

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 pursuant to KRS 367.150(8), which grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky to represent consumers’ interests, hereby moves the Public Service Commission of Kentucky (“Commission”) to grant him status as an intervenor party in this action pursuant to 807 KAR 5:001 Section 4(11). In support of his motion, the Attorney General states as follows.

The order issued March 12, 2019 in this matter states that “any motion to intervene filed after March 8, 2019 [sic], shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.”¹ The procedural schedule at Appendix B of the same order lists March 15, 2019 as the intervention deadline.²

As the Commission has previously noted, the Attorney General has a unique statutory right of intervention.³ Additionally, the Commission has historically granted the Attorney

¹ Commission Order, *Electronic Investigation Into Excessive Water Loss By Kentucky’s Jurisdictional Water Utilities*, Case No. 2019-00041, at 6 (Ky. Commission March 12, 2019).

² *Id.*

³ 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)).

General leave to intervene out of time upon a showing of good cause.⁴ 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 March 12 order and the March 15 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 has recently played an active role in numerous matters where water loss was an important issue, several of which involved the same parties named herein.⁵ As such, the Attorney General believes that granting his motion is in the public interest as his involvement will help to 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 responses to the Commission Staff's initial discovery requests from the water utilities are not due until April 12, 2019,

⁴ 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).

⁵ See Attorney General's Post-Hearing Response Brief, *Electronic Application Of Southern Water and Sewer District For An Alternative Rate Adjustment*, Case No. 2018-00230 (Ky. Commission Jan. 23, 2019); Attorney General's Comments, *Application Of Milburn Water District For An Alternative Rate Adjustment*, Case No. 2018-00314 (Ky. Commission Jan. 29, 2019); Attorney General's Post-Hearing Brief, *Electronic Application Of Monroe County Water District For Rate Adjustment Pursuant To 807 KAR 5:076*, Case No. 2017-00070 (Ky. Commission December 8, 2017); Attorney General's Comments, *Application of Symsonia Water and Sewer District For Rate Adjustment Pursuant To 807 KAR 5:076*, Case No. 2017-00371 (Ky. Commission Jan. 17, 2018); Attorney General's Comments, *Electronic Application Of West Carroll Water District For Alternative Rate Adjustment Pursuant 807 KAR 5:076*, Case No. 2017-00244 (Ky. Commission December 18, 2017).

supplemental data requests to the listed water utilities are not due to be filed until May 3, 2019, and any intervenor testimony is not due until June 4, 2019. 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,

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