

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC DEMAND SIDE MANAGEMENT)	
FILINGS OF LOUISVILLE GAS AND ELECTRIC)	CASE NO.
CO. AND KENTUCKY UTILITIES CO.)	2019-00105

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 March 29, 2019, states that, "[a]ny party who submits a motion to intervene after April 15, 2019, and upon a showing of good cause is granted full intervention, shall accept and abide by the existing procedural schedule, if any."¹ On April 12, 2019, Louisville Gas & Electric and Kentucky Utilities

¹ Order, *Electronic Demand Side Management Filings of Louisville Gas & Electric Company and Kentucky Utilities Company*, Case No. 2019-00105 (Ky. PSC March 29, 2019) at 2.

(“LG&E/KU”) requested an informal conference in this matter to discuss, *inter alia*, “the planned expansion of the Advanced Meter Opt-In Program and the network and computer infrastructure to support the program.”² The Commission granted the motion on April 22, 2019 and set an informal conference for April 30, 2019.³ On a related note, the Attorney General was a party to Case No. 2018-00005, where he objected to LG&E/KU’s proposed CPCN for system-wide AMS. In its final order in that case, the Commission denied the system-wide CPCN but expanded LG&E/KU’s pilot opt-in AMS program from 10,000 to 20,000 customers.⁴

As the Commission has previously noted, the Attorney General has a unique statutory right of intervention.⁵ Additionally, the Commission has historically granted the Attorney General leave to intervene out of time upon a showing of good cause.⁶ 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 and his current caseload, the Attorney General was not certain as to whether he could commit to full participation

² Motion of Louisville Gas and Electric Company and Kentucky Utilities Company to Schedule an Informal Conference, *Electronic Demand Side Management Filings of Louisville Gas & Electric Company and Kentucky Utilities Company*, Case No. 2019-00105 (Ky. PSC April 12, 2019) at 1.

³ Order, *Electronic Demand Side Management Filings of Louisville Gas & Electric Company and Kentucky Utilities Company*, Case No. 2019-00105 (Ky. PSC April 22, 2019) at 1.

⁴ Order, *Electronic Joint Application of Louisville Gas & Electric Company and Kentucky Utilities Company, for a Certificate of Public Convenience and Necessity for Full Deployment of Advanced Metering Systems*, Case No. 2018-00005 (Ky. PSC August 30, 2018) at 14.

⁵ 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)).

⁶ 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).

in this case. Upon further review of the docket, the Attorney General realized, albeit belatedly, that the docket is more complex than a mere DSM rate balancing filing. Given his interest in LG&E/KU's AMS programs, the pending informal conference, and the complexity of LG&E/KU's applications, 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 no substantive steps in the docket have occurred and his attendance at the informal conference will ensure issues need only be discussed once. 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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