

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. TO AMEND ITS DEMAND SIDE)	CASE NO.
MANAGEMENT PROGRAMS)	2019-00277

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 (“Attorney General”), and moves the Public Service Commission of Kentucky (“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 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 September 9, 2019, states that, “[a]ny motion to intervene filed after September 27, 2019, shall show a basis for intervention and good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.”¹ As the Commission

¹ Order, *Electronic Application of Duke Energy Kentucky, Inc. to Amend its Demand Side Management Programs*, Case No. 2019-00277 (Ky. PSC Sep. 9, 2019) at 4.

has previously noted, the Attorney General has a unique statutory right of intervention.² Additionally, the Commission has historically granted the Attorney General leave to intervene out of time upon a showing of good cause.³ Due to administrative error, the Attorney General did not timely intervene in this matter. Nevertheless, this Motion is merely filed the next business day following the intervention deadline.

The Attorney General believes that his participation in this matter will help the Commission in its consideration of the docket. The Attorney General intends to conduct significant discovery and to sponsor expert testimony. There are no other parties to the case besides the applicant to provide evidence for the Commission's consideration. Furthermore, the Application contains a request for a Peak Time Rebate ("PTR") Pilot program that resulted from a stipulation entered into between the Attorney General and Duke Energy Kentucky, Inc.⁴ Since the aforementioned stipulation was entered into, the Attorney General's Office has been studying and preparing for Duke's eventual filing of the PTR pilot. Additionally, since the Application is related exclusively to DSM programs, the Attorney General's participation will assist the Commission insofar as the Commission is required, pursuant to KRS 278.285, to consider the extent to which the Attorney General has been involved in developing the programs brought before it. As such, the Attorney General believes that granting his motion is in the public interest, as

² 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)).

³ 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).

⁴ Application at 4.

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 next date in the Commission's procedural schedule is still nearly two (2) weeks away. 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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