

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
KENTUCKY UTILITIES COMPANY FOR AN)	
ADJUSTMENT OF ITS ELECTRIC RATES, A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO. 2020-00349
AND NECESSITY TO DEPLOY ADVANCED)	
METERING INFRASTRUCTURE,)	
APPROVAL OF CERTAIN REGULATORY)	
AND ACCOUNTING TREATMENTS, AND)	
ESTABLISHMENT OF A ONE-YEAR)	
SURCREDIT)	

**KENTUCKY UTILITIES COMPANY’S
OBJECTION TO CERTAIN INDIVIDUAL REQUESTS FOR INTERVENTION**

Kentucky Utilities Company (“KU” or the “Company”) respectfully requests that the Commission deny the requests of certain individuals as set forth in Appendix A for intervention and comparable requests for intervention by individual customers using the same form letter in the future. These requests should be denied for two principal reasons: (1) the requests do not demonstrate a special interest in the proceeding because the stated interests are common to all customers and are adequately represented by other parties and (2) the requests fail to show that the individuals will identify any issues or develop facts that will assist the Commission in the resolution of this matter without unduly complicating and disrupting the proceeding. Because the individuals have not satisfied the requirements for intervention under 807 KAR 5:001 § 4(11), KU respectfully requests that the Commission deny the requests for intervention.

The Individuals Listed in Appendix A Do Not Have a Special Interest in This Proceeding

The Commission may grant a request for intervention only if it meets the requirements of 807 KAR 5:001 § 4(11)(b). The individuals listed in Appendix A do not satisfy the first basis for permissive intervention, which requires the movant to demonstrate a special interest in the

proceeding that is not already represented by another party to the action.¹ Each of the individual's *only* claimed special interest in this proceeding is his or her general status as a residential customer. The Commission has consistently held that a person's status as a customer is *not* a special interest meriting full intervention.² Therefore, the Commission has denied on numerous occasions individual residential customers' petitions to intervene in rate cases.³

Instead, the Attorney General has a statutory right, pursuant to KRS 367.150(8)(b), to represent customers' interests in proceedings such as this one. The Attorney General's motion to intervene in this case was granted on November 10, 2020.⁴ The Attorney General has significant

¹ *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, Case No. 2020-00349, Order (Ky. PSC Dec. 9, 2020) (stating the requirements for a person requesting permissive intervention in a Commission proceeding).

² *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2018-00294, Order (Ky. PSC Nov. 16, 2018) (denying intervention requests of Don Daugherty, Travis Goodin, Conrad Lanham, Teresa Miller, and Elizabeth Shannon because their requests did not articulate a special interest in the proceeding, only a general interest that they shared in common with all other KU customers. Additionally, the Commission noted that these individuals did not show that they were likely to present issues or to develop facts that would assist the Commission in resolving this matter); *Electronic Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates*, Case No. 2018-00295, Order (Ky. PSC Nov. 16, 2018) (denying intervention request of Teresa Miller because her request did not articulate a special interest in the proceeding, only a general interest that she shared with all other LG&E customers. Additionally, the Commission noted that she did not show that she was likely to present issues or to develop facts that would assist the Commission in resolving this matter); *Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge*, Case No. 2009-00198, Order (Ky. PSC Aug. 28, 2009) (denying intervention to customer Tammy Stewart on ground she lacked a special interest meriting intervention, as well as expertise that would assist the Commission); *Application of Kentucky Utilities Company for an Order Approving the Establishment of a Regulatory Asset*, Case No. 2009-00174, Order (Ky. PSC June 26, 2009) (denying Rep. Jim Stewart's Motion to Intervene because he had neither a special interest in the proceeding nor was he likely to assist the Commission to render a decision); *Joint Application of Louisville Gas and Electric Company, Association of Community Ministries, 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. 2007-00337, Order (Ky. PSC Sept. 14, 2007) (“[H]old[ing] a particular position on issues pending in ... [a] case does not create the requisite ‘special interest’ to justify full intervention under 807 KAR 5:001, Section 3(8)(b).”).

³ *See, e.g.*, Case No. 2018-00294, Order (Ky. PSC Nov. 16, 2018); Case No. 2018-00295, Order (Ky. PSC Nov. 16, 2018); *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2012-00221, Order (Ky. PSC Aug. 9, 2012) (denying customer Bruce Nunn's request for intervention); *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2012-00221, Order (Ky. PSC Aug. 9, 2012) (denying customer Michael Whipple's request for intervention); *Application of Kentucky Utilities Company for an Adjustment of Base Rates*, Case No. 2009-00548 (Ky. PSC June 2, 2010) (denying customer Geoffrey M. Young's request for intervention); *An Adjustment of the Electric Rates, Terms, and Conditions of Louisville Gas and Electric Company*, Case No. 2003-00433, Order (Ky. PSC Jan. 21, 2004) (denying customer Robert L. Madison's request for intervention).

⁴ Case No. 2020-00349, Order (Ky. PSC Nov. 10, 2020).

expertise and years of experience in representing ratepayers' interests in rate proceedings, including every prior KU rate case.⁵ In an order denying intervention, the Commission reaffirmed that the Attorney General represents the generalized interest the individuals claim in this case:

The Commission further finds that Petitioner has failed to establish that it has a special interest in this matter that is not otherwise adequately represented, notwithstanding Petitioner's generalized representation that its current members would be impacted by Big Rivers' application. Big Rivers provides power to approximately 112,000 customers, and each one of those customers will be impacted financially by the issues in this rate case.⁶

The same analysis merits denying intervention to the individuals listed in Appendix A.

All of the individuals listed in Appendix A, with the exception of Mr. Michael Huster, Mr. Patrick N. Connolly, and Mr. and Mrs. Dittert, submitted identical intervention requests. Mr. Huster's intervention request was slightly different but presents principally the same position. The requests for intervention are essentially form letters, stating that the proposed rate increase would cause an undue financial strain on customers. Given the ease of using this form letter, the Commission should anticipate comparable public comments from other individual customers using the same form letter also requesting intervention in the future.

The Attorney General represents the general public regarding the impact of the proposed rate increase. As a result, the individuals listed in Appendix A and similarly situated individual customers do not have a special interest in the proceeding and their requests to intervene should be denied.

⁵ See, e.g., Case No. 2018-00294; *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates and for Certificates of Public Convenience and Necessity*, Case No. 2016-00370; *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2014-00371; *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2012-00221; *Application of Kentucky Utilities Company for an Adjustment of Base Rates*, Case No. 2009-00548; *Application of Kentucky Utilities Company for an Adjustment of Electric Base Rates*, Case No. 2008-00251.

⁶ *Application of Big Rivers Electric Corporation for a General Adjustment in Rates Supported by Fully Forecasted Test Period*, Case No. 2013-00199, Order (Ky. PSC Nov. 12, 2013).

**The Commission Should Deny the Requests to Intervene
Because the Individuals Have Not Demonstrated That They Will Present Issues
or Develop Facts That Would Assist the Commission**

Because the individuals listed in Appendix A lack an interest in this proceeding that is not adequately represented by other parties, the individuals may intervene only if they can show that they will present issues or develop facts that will assist the Commission without unduly complicating or disrupting the proceeding.⁷ The requests fail to do so. The requests do not allege any expertise or experience with ratemaking. The requests do not identify any specific issue or component of the case that the individuals will present, or the facts the individuals intend to develop. The requests do not allege the individuals will file expert testimony. In short, the individuals listed in Appendix A have not shown they will present issues or develop facts that will assist the Commission.

Having a significant number of individual customers intervene in this case, especially those without expertise or experience in rate cases, will unduly complicate and disrupt this proceeding. The proper means for the individuals to participate in this case is through filing public comments or offering comment at public hearings. In fact, the individuals listed in Appendix A have filed essentially what appears to be public comment in the record. Moreover, the individuals may also provide oral comments at the public hearing in this matter. These mechanisms ensure that the individuals are given an opportunity to present their positions without unduly complicating the pending action.

Conclusion

The individuals set forth in Appendix A have not satisfied either of the bases for permissive intervention set forth in 807 KAR 5:001 §4(11)(b). These individuals do not have a special interest

⁷ Case No. 2020-00349, Order (Ky. PSC Dec. 9, 2020) (stating the requirements for a person requesting permissive intervention in a Commission proceeding).

that is not already adequately represented by other parties, and they have not shown an ability to present issues or develop facts that will assist the Commission in considering KU's proposed rates without unduly complicating and disrupting this proceeding.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission deny the requests to intervene by the individuals listed in Appendix A and, in doing so, make clear that comparable requests for intervention by individual customers using the same form letter in the future will be construed only as public comment objecting to the proposed rate increase.

Dated: January 4, 2021

Respectfully submitted,



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Counsel for Kentucky Utilities Company

CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Kentucky Utilities Company's January 4, 2021 electronic filing is a true and accurate copy of the documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on January 4, 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that a true and correct copy in paper medium will be delivered to the Commission within 30 days of the lifting of the State of Emergency; and on January 4, 2021, a true and accurate copy of the response was served on each of the individuals listed in Appendix A by regular U.S. mail, postage prepaid to the extent an address could be determined based on individual's filing with the Commission or the records of Kentucky Utilities Company.



Counsel for Kentucky Utilities Company

APPENDIX A

Customers Filing Public Comments Requesting Intervention through January 4, 2021 at 12:00 noon E.S.T
Andrew Jackson
Jerry Yates
Steven K. Hopper
Michael Huster
Brent Nally
Tara Miller
William Delbert Bean
Aaron Girtel
Gerald Higginson
Kenneth Balcombe
Cynthia Clark
Kelly Jackson
Alan Olson
Larry J. Rhodes
Roger Ruark
Terry & Bonnie Russelburg
James W. Mastersen
Marie E. Sumner
Zona Querfield
Rebecca Proudfoot
Patrick N. Connolly
Proctor Stenger
Ethan Hogge
Tim Hogge
Rainer and Mary Jean Dittert