

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
LOUISVILLE GAS AND ELECTRIC)	
COMPANY FOR AN ADJUSTMENT OF ITS)	
ELECTRIC AND GAS RATES, A)	CASE NO. 2020-00350
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)	

**LOUISVILLE GAS AND ELECTRIC COMPANY’S
OBJECTION TO REQUEST FOR INTERVENTION**

Louisville Gas and Electric Company (“LG&E” or the “Company”) respectfully requests that the Commission deny the request of Clarence D. Priddy for intervention. This request should be denied for two principal reasons: (1) the request does not demonstrate a special interest in the proceeding because his stated interest is common to all customers and is adequately represented by other parties and (2) the request fails to show that Mr. Priddy 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 Mr. Priddy’s request has not satisfied the requirements for intervention under 807 KAR 5:001 § 4(11), LG&E respectfully requests that the Commission deny Mr. Priddy’s request for intervention.

Mr. Priddy Does 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). Mr. Priddy’s request does 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 Mr. Priddy's *only* claimed special interest in this proceeding is his 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

¹ *Electronic Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas 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. 2020-00350, 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).

intervene in this case was granted on November 10, 2020.⁴ The Attorney General has significant expertise and years of experience in representing ratepayers' interests in rate proceedings, including every prior LG&E 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 Mr. Priddy.

Mr. Priddy's request for intervention states that the proposed rate increase would cause an undue financial strain on customers. The Attorney General represents the general public regarding the impact of the proposed rate increase. As a result, Mr. Priddy does not have a special interest in the proceeding and his request to intervene should be denied.

**The Commission Should Deny Mr. Priddy's Request to Intervene
Because He Has Not Demonstrated That He Will Present Issues
or Develop Facts That Would Assist the Commission**

Because Mr. Priddy lacks an interest in this proceeding that is not adequately represented by other parties, Mr. Priddy may intervene only if he can show that he will present issues or

⁴ Case No. 2020-00350, Order (Ky. PSC Nov. 10, 2020).

⁵ See, e.g., Case No. 2018-00295; *Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates and for Certificates of Public Convenience and Necessity*, Case No. 2016-00371; *Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates*, Case No. 2014-00372; *Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates, a Certificate of Public Convenience and Necessity, Approval of Ownership of Gas Service Lines and Riders, and a Gas Line Surcharge*, Case No. 2012-00222; *Application of Louisville Gas and Electric Company for an Adjustment of Electric and Gas Base Rates*, Case No. 2009-00549; *Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Base Rates*, Case No. 2008-00252.

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).

develop facts that will assist the Commission without unduly complicating or disrupting the proceeding.⁷ The request fails to do so. The request does not allege any expertise or experience with ratemaking. The request does not identify any specific issue or component of the case that he will present, or the facts he intends to develop. The request does not allege he will file expert testimony. In short, Mr. Priddy has not shown he 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 Mr. Priddy to participate in this case is through filing public comments or offering comment at public hearings. In fact, Mr. Priddy has filed essentially what appears to be public comment in the record. Moreover, Mr. Priddy may also provide oral comments at the public hearing in this matter. These mechanisms ensure that he is given an opportunity to present his position without unduly complicating the pending action.

Conclusion

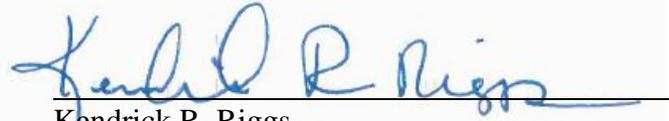
Mr. Priddy has not satisfied either of the bases for permissive intervention set forth in 807 KAR 5:001 §4(11)(b). He does not have a special interest that is not already adequately represented by other parties, and he has not shown an ability to present issues or develop facts that will assist the Commission in considering LG&E's proposed rates without unduly complicating and disrupting this proceeding.

WHEREFORE, Louisville Gas and Electric Company respectfully requests that the Commission deny Mr. Priddy's request to intervene.

⁷ Case No. 2020-00350, Order (Ky. PSC Dec. 9, 2020) (stating the requirements for a person requesting permissive intervention in a Commission proceeding).

Dated: January 4, 2021

Respectfully submitted,



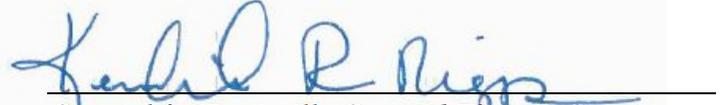
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CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Louisville Gas and Electric 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 Mr. Clarence D. Priddy by regular U.S. mail, postage prepaid.



Kenneth R. Priddy
Counsel for Louisville Gas and Electric Company