

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)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO DEPLOY ADVANCED) CASE NO. 2020-00350
METERING INFRASTRUCTURE,)
APPROVAL OF CERTAIN REGULATORY)
AND ACCOUNTING TREATMENTS, AND)
ESTABLISHMENT OF A ONE-YEAR)
SUBCREDIT)

MOTION TO INTERVENE OF MCDONALD'S FRANCHISE OWNERS

Come now, owners of seventeen (17) McDonald's Inc. restaurants, ("McDonald's") by and through counsel, pursuant to 807 KAR Section 4 and Section 11, and respectfully move the Kentucky Public Service Commission ("Commission") to permit these McDonald's franchise owners, collectively, to intervene and become a party in the above styled matter. In support of their Motion to Intervene, these McDonald's franchise owners state as follows:

1. McDonald is an international restaurant chain; however, each McDonald's restaurant is owned by a franchisee. The franchisees who seek to intervene are:

Vic Topper, NPT Partners I, LLC, who owns the following McDonald's stores:
Store 4776 at 207 West Broadway, Louisville, Kentucky 40202
Store 4924 at 3100 Poplar Level Road, Louisville, Kentucky 40213
Store 5190 at 2961 Breckenridge Lane, Louisville, Kentucky 40220
Store 6806 at 2209 Taylorsville Road, Louisville, Kentucky 40205
Store 23345 at 998 Breckenridge Lane, Louisville, Kentucky 40207
Store 24375 at 9901 Ormsby Station Road, Louisville, Kentucky 40223

Brittney Barnett, Four B Management LLC
Store 3628 at 1100 South Hurstbourne Parkway, Louisville, Kentucky 40222

Perry Krause, Britiff Enterprises Inc.
Store 17189 at 287 North Hubbars Lane, Louisville, Kentucky 40207

Intervene and believes that no prejudice will occur as a result of the delay in filing the herein motion.

6. Pursuant to 807 KAR 5:001, Section 4(11)(b), the Commission shall grant leave to intervene if it finds that “a timely motion for intervention” was made, that the party seeking intervention has **“a special interest in the case that is not otherwise adequately represented,”** or that **“intervention is likely to present issues or develop facts that assist the commission in fully considering the matter without unduly disrupting the proceedings.”** (Emphasis added.)

7. The impact of LG&E’s Application for rate increase on McDonald’s is unique in that no other restaurant chains have moved to intervene, but also representative of not only other McDonald’s, but other fast food restaurants and other restaurants in Louisville, Kentucky and in the Commonwealth of Kentucky, and thus these McDonald’s franchisees have a special interest which is not yet represented.

8. Importantly, these franchise owners will “present issues” and “develop facts that will assist the commission in fully considering the matter without unduly disrupting the proceedings.”

9. The Commonwealth of Kentucky is unique in that it allows LGE to charge both usage and demand charges. Five years ago, demand charges at McDonald’s were 30-35% of the total bill; now demand charges are often greater than 50% of the total bill. This rate structure is antiquated and inconsistent with many more progressive states.

10. The attorneys representing these McDonald’s franchise owners are:

Thomas E. Clay
917 Lily Creek Road
Louisville, Kentucky 40243
Phone: (502) 561-2005
Fax: (502) 589-5500
tclay@tclaylaw.com

Charles Meers
2300 Hurstbourne Village Drive
Suite 600
Louisville, KY 40299
Fax: (502) 584-0439
charles@meerslaw.com

WHEREFORE, McDonald's franchisees respectfully request that they be granted leave to intervene and be made a party to the above-captioned proceeding.

Respectfully submitted,



Thomas E. Clay
Thomas E. Clay, P.S.C.
917 Lily Creek Road
Louisville, Kentucky 40243
tclay@tclaylaw.com
(502) 561-2005
(502) 589-5500 (Fax)

Charles Meers
2300 Hurstbourne Village Drive
Suite 600
Louisville, KY 40299
charles@meerslaw.com
(502) 581-9700
(502) 584-0439 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that the February 9, 2021, electronic filing is a true and accurate copy of the Motion to Intervene; and that on February 9, 2021, the electronic filing has been transmitted to the Commission. In accordance with all other applicable law, counsel certifies that an electronic copy of the foregoing was served by email to the following. A physical copy of the filing will be submitted to the Commission within 30 days after the Governor lifts the current State of Emergency.

Robert M. Conroy
Allyson K. Sturgeon
Sara V. Judd
Rick E. Lovecamp
LG&E and KU Services Company
220 W. Main Street
Louisville, KY 40202
Robert.conroy@lge-ku.com
Allysonsturgeno@lge-ku.com
Sara.judd@lge-ku.com
Rick.lovecamp@lge-ku.com

Michael L. Kurtz
Kurt J. Boehm
Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202
MKurtz@bkllawfirm.com
kboehm@bkllawfirm.com
jkylercohn@bkllawfirm.com

Kendrick R. Riggs
Stoll Keenon Ogden PLLC
500 West Jefferson Street, Suite 2000
Louisville, KY 40202-2828
Kendrick.riggs@skofirm.com

Lawrence W. Cook
J. Michael West
Angela M. Goad
John G. Horne II
Office of the Attorney General
700 Capital Avenue, Suite 20
Frankfort, KY 40601-8204
Larry.cook@ky.gov
Michael.west@ky.gov
Angela.goad@ky.gov
John.horne@ky.gov

Robert C. Moore
Stites & Harbison, PLLC
421 West Main Street
P.O. Box 634
Frankfort, KY 40602-0634
moore@stites.com

James W. Gardner
M. Todd Osterloh
Sturgill, Turner, Barker & Moloney PLLC
333 W. Vine Street, Suite 1500
Lexington, KY 40507
jgardner@sturgillturner.com
tosterloh@sturgillturner.com


THOMAS E. CLAY, P.S.C.