

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 OF MCDONALD'S RESTARANT OWNERS
FOR AN ENLARGEMENT OF TIME WITHIN WHICH TO FILE A
MOTION TO INTERVENE PURSUANT TO CR 6.02

Come now, owners of seventeen (17) McDonald's Inc. restaurants, (McDonald's) by and through counsel, and move the Kentucky Public Service Commission (Commission) to grant their motion for Enlargement of time, pursuant to CR 6.02, to and including February 9, 2021, within which to file the attached Motion to Intervene in the above styled action. As grounds for this motion, McDonald's states 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 Hubbards Lane, Louisville, Kentucky 40207
Store 25813 at 2314 Brownsboro Road, Louisville, Kentucky 40206
Store 1247 at 9254 Westport Road, Louisville, Kentucky 40242

Ira Salls, IRA, INC., DSJ Legacy LLC, and BUTTERBOYS ENTERPRISES INC
Store 258 at 5600 Preston Hwy, Louisville, Kentucky 40219
Store 1433 at 8220 Preston Hwy, Louisville, Kentucky 40219
Store 6206 at 3340 Bardstown Road, Louisville, Kentucky 40218
Store 6341 at 4306 Bardstown Road, Louisville, Kentucky 40218
Store 3666 at 5630 Bardstown Road, Louisville, Kentucky 40291
Store 8166 at 6214 Old Shepherdsville Road, Louisville, Kentucky 40228
Store 12370 at 8600 Citadel Way, Louisville, Kentucky 40220

2. On November 25, 2020, the day before Thanksgiving, Louisville Gas and Electric, (LG&E) filed its Application for adjustment in its electric rates, including charges to its electric tariffs. In the following month's bill, which arrived sometime in December, 2020, various McDonald's restaurant franchise owners in Louisville, Kentucky, received the notice. Because of the holidays and the Covid-19 pandemic, it has taken some time for these restaurant owners to organize and obtain an appointment with this attorney. McDonald's tardy filing is a result of "excusable neglect."

3. CR 6.02 states:

When by statute or by these Rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may, at any time in its discretion, (a) with or without motion or notice order the period enlarged if request therefor is made before expiration of the period originally prescribed or as extended by previous order or upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect....

4. There are no other fast food restaurants represented in this action, and these owners are in a unique position, pursuant to 807 KAR 5:001, Section 4(11)(b), to provide insight to the

PSC as to the adverse effects such a rate increase will cause on not only all McDonald's restaurants in the Commonwealth of Kentucky, but also other fast food restaurants.

5. The McDonald's restaurant franchisees who seek to intervene, are located in Louisville, Kentucky, and represent to the Commission that on average, each restaurant purchases approximately 600,000 kWh per year. These averages are representative of other McDonald's franchise usages across Jefferson County, Kentucky, and across the Commonwealth of Kentucky.

6. While McDonald's Motion to Intervene was not timely, as per the Commission's December 9, 2020 Order, and the deadline to move to intervene ended on December 23, 2020, McDonald's has filed a Motion for Enlargement of Time, within which to file this Motion to Intervene and believes that no prejudice will occur as a result of the delay in filing the motion.

7. 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.)

8. The impact of LGE'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.

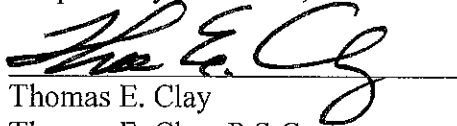
9. Importantly, these franchise owners will "present issues" and "develop facts that will assist the commission in fully considering the matter without unduly disrupting the proceedings."

10. 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.

11. These various McDonald's franchise owners submit that this brief delay in the filing of their Motion to Intervene has not and will not prejudice LGE.

For the foregoing reasons, and reasons stated in McDonald's Motion to Intervene, these McDonald's franchisees respectfully request that their Motion for Enlargement of time within which to file their Motion to Intervene be granted.

Respectfully submitted,



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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.

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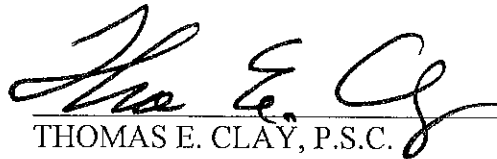
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