

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF MOUNTAIN)
WATER DISTRICT FOR A DECLARATORY ORDER) Case No. 2020-00394

MOTION TO INTERVENE

The City of Pikeville (“Pikeville”), by counsel, hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 4(11) for intervention in the above-styled matter. In support of its motion, Pikeville states the following:

Pikeville is a home-rule class City established under the laws of the Commonwealth of Kentucky. Its address is 243 Main Street, Pikeville, KY 41501. Pikeville provides wholesale water service to the Mountain Water District (“MWD”).

Pikeville and MWD entered into a Wholesale Water Purchase Contract that was effective on January 1, 2012. In that contract, MWD (as the Purchaser) agreed that “Purchaser agrees to buy . . . a minimum of 28 million gallons per month.” In Case No. 2019-00080, the Commission approved¹ new wholesale volumetric rates, but the Commission did not change the minimum-purchase provision contained in the Wholesale Water Purchase Contract. MWD, now, seeks an order from this Commission that is inconsistent with the valid terms of the Wholesale Water Purchase Contract. Accordingly, Pikeville respectfully requests intervention in this matter.

The Commission has interpreted KRS 278.040(2) as requiring a person seeking intervention to have an interest in the rates or service of a utility as those are the only matters that are subject to the Commission’s jurisdiction. See Order, Kentucky Power Co., Case No. 2017-

¹ An action for review of that case is currently pending in Franklin Circuit Court. The issue raised by MWD in this Case No. 2020-00394, however, is not being litigated.

00179 (Ky. PSC June 19, 2017). Pikeville satisfies this requirement because it is a wholesale supplier of MWD.

Administrative regulation 807 KAR 5:001, Section 4(11)(b) states:

The commission shall grant a person leave to intervene if the commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Pikeville meets both these criteria. Pikeville has special interests in the revenue it receives from its customers. That interest cannot be otherwise adequately represented. In fact, the only issue in this case relates to a wholesale water purchase contract between Pikeville and MWD. No other party could adequately represent the special interests of Pikeville because it is only one of two parties to the contract.

Pikeville is also likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. In this particular case, Pikeville can explain why MWD's position is incorrect.

Pikeville desires to play a constructive role in this matter and isolate issues that are most important to it. Pikeville's focus will serve to neither unduly complicate nor disrupt the proceeding. In fact, Pikeville supports an immediate rejection of MWD's argument based on the plain language of the Wholesale Water Purchase Contract. If the Commission agrees with Pikeville, there will be no additional work necessary.

The Commission has frequently granted intervention to wholesale customers in cases involving the rates of wholesale providers.² Accordingly, the Commission should grant intervention to the wholesale provider in cases involving its own revenue.

Attorneys for Pikeville listed below possess the facilities to receive electronic transmission of all notices and messages related to this proceeding at the electronic mailing addresses listed below. All correspondence to Pikeville should be sent to the attorneys' addresses or email addresses listed below.

Accordingly, because Pikeville has a special interest in this case that is not otherwise adequately represented and because it is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Pikeville respectfully requests intervention in this proceeding.

Respectfully submitted,



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² See, e.g., *Big Rivers Elec. Corp and Meade County RECC*, Case No. 2019-00365 (Ky. PSC Nov. 22, 2019)(granting future wholesale customer Nucor Corporation's motion to intervene); *Knott Co. Water and Sewer Dist.*, Case No. 2019-00268 (Ky. PSC Sept. 5, 2019) (granting the City of Hindman's intervention); cf. *City of Princeton*, Case No. 2019-00444 (Ky. PSC Dec. 20, 2019)(declaring two wholesale purchases to be parties to the case).

CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001, Section 8(7), this is to certify that the 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; and that an original and a copy of the filing are being delivered to the Commission within 30 days after the lifting of the state of emergency.

A handwritten signature in blue ink, appearing to read "M. Jon O'Connell", is written above a horizontal line.

Counsel for City of Pikeville.