

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In The Matter Of:

**ELECTRONIC APPLICATION OF
MARTIN COUNTY WATER
DISTRICT FOR AN ALTERNATIVE
RATE ADJUSTMENT**

Case No 2021-00154

**MOTION OF MARTIN COUNTY CONCERNED CITIZENS, INC.
TO INTERVENE IN THIS MATTER**

Pursuant to KRS § 278.310 and 807 KAR 5:001 § 4(11)(a), Martin County Concerned Citizens, Inc. (“MCCC”) respectfully moves the Commission for leave to intervene in the above-captioned alternative rate adjustment (“ARF”) matter. MCCC seeks full intervention to protect its members’ interests in ensuring that any rate approved as part of this ARF is just and reasonable and does not unjustly discriminate against any Martin County Water District (“Martin District”) customer.

In support of this Motion, MCCC states as follows:

1. MCCC is a non-profit, non-stock membership corporation with offices at P.O. Box 938, Inez, Kentucky. MCCC can be contacted via email through the undersigned attorney at mary@appalachianlawcenter.org. MCCC currently has over 80 members who are customers of the Martin District. MCCC was formed when a group of community members started meeting together in the spring of 2017 to organize the community’s response to Martin District’s failure to provide a safe and dependable water supply to the county’s residents. MCCC was incorporated in 2017 and is in good standing with the Kentucky Secretary of State.

2. MCCC has meetings in the community with Martin District rate payers to keep them informed and maintains open lines of communication with community members who regularly seek MCCC officer's advice and help with issues they are having with billing, water service, and water quality. MCCC's goal is to ensure that each customer of the Martin District has a safe, affordable, and adequate supply of water.
3. 807 KAR 5:001(4)(11)(b) provides, "[t]he 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." More recently, this Commission has found that "any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest in a utility's rates and service that is not otherwise adequately represented, or the issues and facts the person will present that will assist the Commission in fully considering the matter." Jul. 12, 2017 Order, Case No. 2017-179.
4. This motion is timely. The Martin District's application was filed on April 1, 2021, just five days prior to the filing of this motion.
5. At this time, no other party has moved to intervene in this matter. The only party before the Commission in this ARF is the Martin District. As of this date, the Attorney General has not intervened in this matter on behalf of the Martin District's customers.
6. Even if the Attorney General were to intervene in this ARF, MCCC should be

allowed to intervene as well because MCCC is in the best position to represent the interests of Martin County Water District's customers. MCCC has represented the interests of those customers for nearly four years. During that time, MCCC has gained particular knowledge and understanding of the complex history and multi-faceted issues that will arise during this rate proceeding. MCCC will be able to use that knowledge and understanding to assist the Commission in its full consideration of the matters presented as part of this ARF proceeding.

7. In addition, MCCC maintains close ties with the community and is a trusted, credible voice within Martin County. Because of the trust the community puts in MCCC and its officers, MCCC will serve as a liaison between the community members and the Commission to ensure that the community is informed of these proceedings and developments during the proceedings in a way that is understandable to the average person. In addition, because of the trust between MCCC and the community, MCCC will be able to bring the community's concerns to the fore for consideration during these proceedings.
8. The biggest underlying issue with the Martin County Water District is trust. While the situation is improving, there is a long way to go before Martin County's residents trust that the water district is acting in their best interests and trust that the water is safe to drink. Each of these proceedings has the potential to rebuild the residents' trust a little more. Coming to a resolution that both allows the district enough money to continue operating and satisfies its customers that the money will not be misspent will require negotiation between the Martin District's customers and the water district. Such negotiations can only occur as part of this proceeding. While the

Attorney General may intervene to ensure that the rate allowed is just, reasonable and non-discriminatory, the Attorney General's interest in protecting the Martin District's customers does not, by statute, extend to ensuring that any rate increase is accompanied by additional measures aimed at ensuring transparency, accountability, and better communications with its customers.

9. MCCC is likely to present issues and develop facts that assist the Commission in fully considering what rate is just, reasonable, and non-discriminatory given the current circumstances of the district. In particular, MCCC expects to present testimony regarding the likely impact of the proposed rate increase to the Martin District's customers, many of whom live below the federal poverty level.

Conclusion

WHEREFORE, MCCC requests that it be granted leave for full intervention and it be certified as a full party in this proceeding, giving it the right to present testimony and exhibits, present witnesses, cross-examine witnesses, and be served with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by the parties or orders of the Commission.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

Pursuant to 807 KAR 5:001 Sec. 4(8), I, Mary Varson Cromer, hereby certify that on April 1, 2021 a true and accurate copy of the foregoing MOTION OF THE MARTIN COUNTY CONCERNED CITIZENS, INC. TO INTERVENE IN THIS MATTER was filed electronically and served on all parties to this matter.

A handwritten signature in black ink that reads "Mary Varson Cromer". The signature is written in a cursive style with a large initial "M".

Counsel for MCCC