

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

IN THE MATTER OF:)	
)	
APPLICATION OF KENTUCKY-)	
AMERICAN WATER COMPANY TO)	CASE NO. 2023-00030
AMEND TARIFF TO REVISE QUALIFIED)	
INFRASTRUCTURE PROGRAM CHARGE)	

**RESPONSE TO GERALD KEMPER’S
REQUEST FOR INTERVENTION**

Kentucky-American Water Company (“KAW”) hereby responds to Gerald Kemper’s March 27, 2023 Request for Intervention. For the reasons set forth below, the request must be denied.

Mr. Kemper’s request states only that he seeks intervention “to have an opportunity to meet with the company and the Commissioners to address pertinent issues to the requested adjustment.” Such a generic statement does not provide KAW or the Commission sufficient information to determine how this intervention would benefit the proceedings. Thus, it does not meet the requirements for intervention as set forth in 807 KAR 5:001, Section 4(11) which is the Commission’s intervention regulation. Under that regulation, one requesting intervention must “state his or her interest in the case and how intervention 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.”¹ Mr. Kemper’s request fails to do so. Furthermore, the applicable regulation also states that the Commission shall grant intervention “if . . . he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is

¹ 807 KAR 5:001, Section 4(11)(a)(1).

likely to present issues or to develop facts that assist the commission”² Mr. Kemper’s request offers nothing in the way of a special interest in this proceeding or that his intervention will assist the Commission in fully considering the matter. These failures require denial of the request.

The Commission has regularly denied intervention to persons, including customers, who do not meet the grounds for intervention under the Commission’s intervention regulation.³ In fact, the Commission denied similar intervention requests in KAW’s 2010 rate case.⁴ The Commission held similarly in KAW’s 2018 rate case.⁵ In those KAW decisions, the Commission noted that the individuals would have ample opportunity to monitor the case without being an intervenor and to submit public comment in those cases. Likewise, Mr. Kemper will be able do the same if he is not granted intervenor status in this case.

WHEREFORE, KAW respectfully requests denial of Mr. Kemper’s Request for Intervention.

² 807 KAR 5:001, Section 4(11)(a)(2)(b).

³ *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 because they 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 because it did not articulate a special interest in the proceeding, only a general interest that was shared with all other LG&E customers. Additionally, the Commission noted that the movant did not show that she was likely to present issues or to develop facts that would assist the Commission in resolving this matter).

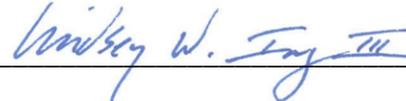
⁴ *In the Matter of: Application of Kentucky-American Water Company for an Adjustment of Rates*, Case No. 2010-00036, Orders of [March 19, 2010](#) and [August 5, 2010](#).

⁵ *In the Matter of: Application of Kentucky-American Water Company for an Adjustment of Rates*, Case No. 2018-00358, Order of [January 4, 2019](#).

Date: March 30, 2023

Respectfully submitted,

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BY: 
Attorneys for Kentucky-American Water Company

CERTIFICATE

This certifies that Kentucky-American Water Company's electronic filing is a true and accurate copy of the documents in paper medium; that the electronic filing has been transmitted to the Commission on March 30, 2023; that no party has been excused from participation by electronic means; and that the foregoing has been served upon the following on March 30, 2023 via U.S. Mail:

Gerald Kemper
785 Monterey Pike
Owenton, KY 40359

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By 
Attorneys for Kentucky-American Water Company