

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY AND LOUISVILLE GAS)	
AND ELECTRIC COMPANY FOR CERTIFICATES)	CASE NO.
OF PUBLIC CONVENIENCE AND NECESSITY)	2025-00045
AND SITE COMPATIBILITY CERTIFICATES)	

**KENTUCKY UTILITIES COMPANY AND
LOUISVILLE GAS AND ELECTRIC COMPANY’S
RESPONSE TO REQUEST FOR INTERVENTION**

Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) (collectively, the “Companies”) respectfully ask the Commission to deny the May 14, 2025 request of Alfred Brown for intervention filed in Case No. 2025-00105,¹ the record of which case the Commission consolidated into the record of this proceeding on May 14, 2025. The Commission should deny Mr. Brown’s request for two principal reasons: (1) the request does not demonstrate a special interest in the proceeding because his stated interest is common to all customers and is adequately represented by other parties; and (2) the request fails to show Mr. Brown will identify any issues or develop facts that will assist the Commission in resolving this matter without unduly complicating and disrupting the proceeding. Because Mr. Brown has not satisfied the requirements for intervention under 807 KAR 5:001 § 4(11), the Companies respectfully ask the Commission to deny Mr. Brown’s request for intervention.

¹ *Electronic Application of Kentucky Utilities Company for Approval of its 2025 Compliance Plan for Recovery by Environmental Surcharge*, Case No. 2025-00105, Letter of Alfred Brown Requesting Intervention (May 14, 2025). On May 14, 2025, the Commission consolidated Case No. 2025-00105 into Case No. 2025-00045. Case No. 2025-00105, Order (Ky. PSC May 14, 2025).

Mr. Brown Does Not Have a Special Interest in This Proceeding

The Commission may grant a request for intervention only if it meets the requirements of 807 KAR 5:001 § 4(11)(b). Mr. Brown's request does not satisfy the first basis for permissive intervention, which requires the movant to demonstrate a special interest in the proceeding that is not already represented by another party to the action.² Mr. Brown's only claimed interest in this proceeding is his status as a KU customer. The Commission has consistently held that a person's status as a customer is not a special interest meriting full intervention,³ and it has denied on numerous occasions individual residential customers' petitions to intervene in cases.⁴ It should do so again here.

Instead, the Attorney General has a statutory right, pursuant to KRS 367.150(8)(b), to represent customers' interests in proceedings such as this one. The Commission granted the

² *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 Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, Case No. 2020-00350, Order (Ky. PSC Dec. 9, 2020) (stating the requirements for a person requesting permissive intervention in a Commission proceeding).

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 of Don Daugherty, Travis Goodin, Conrad Lanham, Teresa Miller, and Elizabeth Shannon because their requests did not articulate a special interest in the proceeding, only a general interest that they shared 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 of Teresa Miller because her request did not articulate a special interest in the proceeding, only a general interest that she shared with all other KU customers. Additionally, the Commission noted that she did not show that she was likely to present issues or to develop facts that would assist the Commission in resolving this matter); *Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge*, Case No. 2009-00198, Order (Ky. PSC Aug. 28, 2009) (denying intervention to customer Tammy Stewart on ground she lacked a special interest meriting intervention, as well as expertise that would assist the Commission); *Application of Kentucky Utilities Company for an Order Approving the Establishment of a Regulatory Asset*, Case No. 2009-00174, Order (Ky. PSC June 26, 2009) (denying Rep. Jim Stewart's Motion to Intervene because he had neither a special interest in the proceeding nor was he likely to assist the Commission to render a decision); *Joint Application of Louisville Gas and Electric Company, Association of Community Ministries, Inc., People Organized and Working for Energy Reform, and Kentucky Association for Community Action, Inc. for the Establishment of a Home Energy Assistance Program*, Case No. 2007-00337, Order (Ky. PSC Sept. 14, 2007) ("[H]old[ing] a particular position on issues pending in ... [a] case does not create the requisite 'special interest' to justify full intervention under 807 KAR 5:001, Section 3(8)(b).").

⁴ See, e.g., Case No. 2018-00294, Order (Ky. PSC Nov. 16, 2018); Case No. 2018-00295, Order (Ky. PSC Nov. 16, 2018); *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2012-00221,

Attorney General intervention in this case on March 7, 2025.⁵ The Attorney General has significant expertise and years of experience in representing consumer interests in KU's proceedings.⁶ In an order denying intervention, the Commission reaffirmed that the Attorney General represents the generalized interest the Mr. Brown claims in this case:

The Commission further finds that Petitioner has failed to establish that it has a special interest in this matter that is not otherwise adequately represented, notwithstanding Petitioner's generalized representation that its current members would be impacted by Big Rivers' application.⁷

The same analysis merits denying intervention to Mr. Brown.

**The Commission Should Deny Mr. Brown's Request to Intervene
Because He Has Not Demonstrated He Will Present Issues
or Develop Facts that Would Assist the Commission**

Because Mr. Brown lacks an interest in this proceeding that is not adequately represented by other parties, Mr. Brown may intervene only if he can show that he will present issues or develop facts that will assist the Commission without unduly complicating or disrupting the proceeding.⁸ The request fails to do so. The request does not allege any expertise or experience with relevant environmental regulations. The request questions the appropriate amount of ozone

Order (Ky. PSC Aug. 9, 2012) (denying customer Bruce Nunn's request for intervention); *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2012-00221, Order (Ky. PSC Aug. 9, 2012) (denying customer Michael Whipple's request for intervention); *Application of Kentucky Utilities Company for an Adjustment of Base Rates*, Case No. 2009-00548 (Ky. PSC June 2, 2010) (denying customer Geoffrey M. Young's request for intervention); *An Adjustment of the Electric Rates, Terms, and Conditions of Louisville Gas and Electric Company*, Case No. 2003-00433, Order (Ky. PSC Jan. 21, 2004) (denying customer Robert L. Madison's request for intervention).

⁵ Case No. 2025-00045, Order (Ky. PSC Mar. 7, 2025).

⁶ See, e.g., *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, Case No. 2020-00349; *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2018-00294; *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates and for Certificates of Public Convenience and Necessity*, Case No. 2016-00371.

⁷ *Application of Big Rivers Electric Corporation for a General Adjustment in Rates Supported by Fully Forecasted Test Period*, Case No. 2013-00199, Order (Ky. PSC Nov. 12, 2013).

⁸ Case No. 2020-00350, Order (Ky. PSC Dec. 9, 2020) (stating the requirements for a person requesting permissive intervention in a Commission proceeding).

in the atmosphere, but it does not identify any specific issue or component of the case Mr. Brown will present or any facts he intends to develop. The request does not allege he will file expert testimony. In short, Mr. Brown has not shown he will present issues or develop facts that will assist the Commission.

The proper means for Mr. Brown to participate in this case is through filing public comments or offering comment at public hearings. In fact, Mr. Brown has filed essentially what appears to be public comment in the record. Moreover, Mr. Brown may also provide oral comments at the public hearing in this matter. These mechanisms provide him ample opportunity to present his position without unduly complicating the pending action.

Conclusion

Mr. Brown has not satisfied either of the bases for permissive intervention set forth in 807 KAR 5:001 §4(11)(b). He does not have a special interest not already adequately represented by other parties, and he has not shown an ability to present issues or develop facts that will assist the Commission in considering the Companies' proposals without unduly complicating and disrupting this proceeding.

WHEREFORE, Kentucky Utilities Company and Louisville Gas and Electric Company respectfully ask the Commission to deny Mr. Brown's request to intervene.

Dated: May 19, 2025

Respectfully submitted,



W. Duncan Crosby III
Stoll Keenon Ogden PLLC
400 West Market Street, Suite 2700
Louisville, Kentucky 40202
Telephone: (502) 333-6000
Fax : (502) 333-6099
duncan.crosby@skofirm.com

Allyson K. Sturgeon
Vice President and Deputy
General Counsel – Regulatory
Sara V. Judd
Senior Counsel
PPL Services Corporation
2701 Eastpoint Parkway
Louisville, Kentucky 40223
Telephone: (502) 627-2088
Fax: (502) 627-3367
ASturgeon@pplweb.com
SVJudd@pplweb.com

*Counsel for Kentucky Utilities Company and
Louisville Gas and Electric Company*

CERTIFICATE OF SERVICE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on May 19, 2025; that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means; and that on May 19, 2025, a true and accurate copy of the response was served on Alfred Brown by regular U.S. mail, postage prepaid.

A handwritten signature in blue ink, appearing to read "C. Brown", is written above a horizontal line.

*Counsel for Kentucky Utilities Company and
Louisville Gas and Electric Company*