

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRONIC APPLICATION OF)	
FARMERS RURAL ELECTRIC)	
COOPERATIVE CORPORATION FOR A)	CASE NO.
GENERAL ADJUSTMENT OF RATES)	2025-00107
AND OTHER GENERAL RELIEF)	

RESPONSE TO REQUEST FOR INTERVENTION

Comes now Farmers Rural Electric Cooperative Corporation (“Farmers” or the “Cooperative”) by and through the undersigned counsel and hereby tenders its response to the motion for intervention filed by Wesley Collins. In support of its Response, Farmers respectfully states as follows:

1. On May 5, 2025, Farmers filed its Application for a general adjustment of rates and other general relief. The Commission issued a No Deficiency Letter on May 9, 2025 and then suspended Farmers’ proposed rates on May 13, 2025. On May 13, 2025, Mr. Collins filed a request for intervention.

2. The legal standard for intervention in Commission proceedings is well settled. Intervention by all parties other than the Attorney General of the Commonwealth of Kentucky (“Attorney General”) is permissive and within the sole discretion of the Commission.¹ The statutory standard for permissive intervention requires the person have an interest in the rates or

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 SW.2d 127, 130 (Ky. 1966).

services of a utility.² 807 KAR 5:001, Section 4(11) requires a person to have either a special interest in the proceeding that is not otherwise adequately represented in the case, or that 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.

3. Mr. Collins does not assert a special interest that is not otherwise adequately represented, nor that his intervention will present facts that will assist the Commission without unduly complicating or disrupting the proceedings. Mr. Collins does not claim to be a customer of Farmers. The only assertion that Mr. Collins makes is Farmers is allegedly violating a regulation by requiring a customer pay for right of way (“ROW”) clearing. Farmers asserts Mr. Collins is making this request for intervention because of an ongoing landlord/tenant dispute that is occurring within Farmers’ service territory.

4. Even if Mr. Collins was a customer of Farmers, being a customer does not afford Mr. Collins a special interest in the proceeding that is not otherwise represented. If being a customer was the only standard for a special interest, the Commission would be inundated with intervention requests in all cases. Knowing this the legislature granted the Attorney General, by and through the Office of Rate Intervention (“Attorney General”), the statutory authority to represent residential consumer interests in rate-making proceedings before the Commission.³ The Attorney General has intervened in this matter and will adequately represent Mr. Collins if he is a customer of Farmers making his individual intervention unnecessary.⁴

² *EnviroPower LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 at 3 (Ky. App. Feb. 2, 2007).

³ KRS 367.150(8).

⁴ May 5, 2025 Order (Ky. PSC May 5, 2025).

5. Mr. Collins makes allegations regarding Farmers obligation for ROW clearing. Mr. Collins does not cite any examples of this alleged violation of regulations. Even if this is true, which Farmers asserts it is not, a general rate proceeding is not the forum. It is also unclear based upon the statements made in the request for intervention if Mr. Collins is even the right party to make these claims. Based upon the facts presented in the request for intervention, if any party was going to challenge Farmers' interpretation of the regulations it should be the landowner requesting ROW clearing. A movant must show that their intervention will not unduly complicating the proceedings. Discovery regarding alleged violations of a regulation would unduly complicate the proceeding and would not assist the Commission in making a final decision in this case.

6. Even though Mr. Collins should not be granted intervention in this matter, he may still participate in the case through the monitoring of all the public filings made in the case and he may file substantive public comments as frequently as he chooses.

WHEREFORE, on the bases of the foregoing, Farmers respectfully requests the Commission deny the request for information made by Wesley Collins.

This the 14th day of May, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on May 14, 2025, and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.

Heather S. Temple

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