

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
LOUISIVLLE GAS AND ELECTRIC)	
COMPANY FOR AN ADJUSTMENT OF ITS)	
ELECTRIC AND GAS RATES AND)	CASE NO. 2025-00114
APPROVAL OF CERTAIN REGULATORY)	
AND ACCOUNTING TREATMENTS)	

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

Louisville Gas and Electric Company (“LG&E” or “Company”) respectfully asks the Kentucky Public Service Commission (“Commission”) to deny the request of Juan Manuel Mario Rodríguez García for intervention, which was filed in this case on July 29, 2025.¹ The Commission should deny Mr. Rodríguez García’s request for three 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; (2) the request fails to show Mr. Rodríguez García will identify any issues or develop facts that will assist the Commission in resolving this matter without unduly complicating and disrupting the proceeding; and (3) the request is untimely. Because Mr. Rodríguez García has not satisfied the requirements for intervention under 807 KAR 5:001 § 4(11), the Company respectfully asks the Commission to deny Mr. Rodríguez García’s request for intervention.

¹ *Electronic Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates and Approval of Certain Regulatory and Accounting Treatments*, Case No. 2025-00114, Letter of Juan Manuel Mario Rodríguez García Requesting Intervention (August 1, 2025).

Mr. Rodríguez García 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. Rodríguez García'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. Rodríguez García's only claimed interest in this proceeding is his status as an LG&E 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 May 27, 2025.⁵ The Attorney General has significant expertise and years of experience in representing consumer interests in LG&E's proceedings.⁶ In an order denying intervention in previous cases, the Commission reaffirmed that the Attorney General represents the generalized interest that Mr. Rodríguez García claims in this case:

As the Commission has held in the past, the Attorney General, as an intervenor in this matter, will represent the interests of the customers of LG&E/KU. As noted in at least one prior Order, the Attorney General 'has consistently intervened on behalf of ratepayers in proceedings... and the Attorney General is sufficiently knowledgeable about issues of ratemaking and rate design.'⁷

The same analysis merits denying intervention to Mr. Rodríguez García.

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

Because Mr. Rodríguez García lacks an interest in this proceeding that is not adequately represented by other parties, Mr. Rodríguez García may intervene only if he can show that he will present issues or develop facts that will assist the Commission without unduly complicating or

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. 2025-00114, Order (Ky. PSC May 27, 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 *Electronic Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates*, Case No. 2025-00045, Order at 3-4 (Ky. PSC June 4, 2025) (Citing *Application of Kentucky Utilities Company to file Depreciation Study & Application of Kentucky Utilities Company for an Adjustment of Electric Base Rates*, Case Nos. 2007-00565 & 2008-00251, Order at 5 (Ky. PSC Dec. 5, 2008)).

disrupting the proceeding.⁸ His request fails to do so. Mr. Rodríguez García does not allege any expertise or experience with ratemaking proceedings that would allow the Commission to grant intervention pursuant to 807 KAR 5:001, § 4(11)(b).⁹ Although the request criticizes LG&E’s proposed rate increase, it does not identify any issues or particular facts that Mr. Rodríguez García is specially qualified to develop and that would assist the Commission in evaluating whether the proposed rate increases are warranted. In short, Mr. Rodríguez García has not shown he will present issues or develop facts that will assist the Commission.

Mr. Rodríguez García’s Request to Intervene is Not Timely

Finally, Mr. Rodríguez García’s request should be denied because it is untimely. In addition to the qualitative requirements set forth above, the Commission is only obligated to grant leave to intervene if it finds that the movant “has made a timely motion for intervention” pursuant to the procedural schedule issued in each case.¹⁰ The Commission has stated that this procedural requirement is necessary to ensure the orderly review of applications, and applies to all applicants – even entities with a statutory right to intervene such as the Attorney General.¹¹

Granting Mr. Rodríguez García’s untimely request without good cause would disrupt the orderly review of LG&E’s rate case application. As set forth in the Commission’s procedural schedule published June 18, 2025, the final day for intervention requests to be accepted was June 25, 2025.¹² Mr. Rodríguez García’s motion is dated July 31, 2025, and was filed into the record of this case on August 1, 2025.¹³ Mr. Rodríguez García’s explanation for the delay does not allege

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

⁹ Case No. 2025-00045, Order at 4 (Ky. PSC June 4, 2025).

¹⁰ 807 KAR 5:001 § 4(11)(b).

¹¹ *Application of Caldwell County Water District for Rate Adjustment Pursuant to 807 KAR 5:0076*, Case No. 2016-00054, Order (May 11, 2016) (explaining that following the Commission’s procedural schedules is required for all parties before the Commission).

¹² Case No. 2025-00114; Order at Appendix (Ky. PSC June 18, 2025).

¹³ Case No. 2025-00114, Letter of Juan Manuel Mario Rodríguez García Requesting Intervention (August 1, 2025).

good cause for belated intervention.¹⁴ Granting Mr. Rodríguez García request would therefore be an inappropriate departure from the procedural schedule established in this case which, for the reasons stated above, would not provide any new evidence or expertise to the Commission's evaluation of LG&E's Application.

The proper means for Mr. Rodríguez García to participate in this case is through filing public comments pursuant to 807 KAR 5:001 Section 4(11)(e), or by offering comment at public hearings. In fact, Mr. Rodríguez García has filed essentially what appears to be public comment in the record. Moreover, Mr. Rodríguez García may also provide oral comments at the public hearing in this matter. These mechanisms provide him ample opportunity to present his position without complicating the pending action.

Conclusion

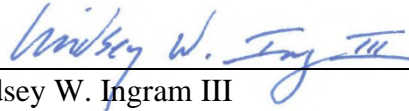
Mr. Rodríguez García has not satisfied any of the bases for permissive intervention set forth in 807 KAR 5:001 § 4(11)(b). He does not have a unique or special interest not already adequately represented by other parties; he has not shown an ability to present issues or develop facts that will assist the Commission in considering LG&E's Application without complicating and disrupting this proceeding; and his request is untimely.

WHEREFORE, Louisville Gas and Electric Company respectfully asks the Commission to deny Mr. Rodríguez García request to intervene.

¹⁴ *Id.*

Dated: August 5, 2025

Respectfully submitted,



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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 August 5, 2025; that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means; and that on August 5, 2025, a true and accurate copy of the response was served on Juan Manuel Mario Rodriguez Garcia by regular U.S. mail, postage prepaid.

A handwritten signature in blue ink, reading "Lindsey W. Fong III". The signature is written in a cursive style with a horizontal line extending from the end.

Counsel for Louisville Gas and Electric Company