

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
KENTUCKY-AMERICAN WATER)	
COMPANY FOR AN ADJUSTMENT OF)	
RATES, APPROVAL OF SYSTEM)	CASE NO. 2026-00094
IMPROVEMENT PROGRAM, AND)	
TARIFF CHANGES)	

**RESPONSE OF KENTUCKY-AMERICAN WATER COMPANY
TO GEORGETOWN MUNICIPAL WATER AND SEWER SERVICE'S
MOTION TO INTERVENE**

Kentucky-American Water Company (“KAWC”), by counsel, hereby responds to and asks the Commission to deny the Motion to Intervene (“Motion”) filed on behalf of Georgetown Municipal Water and Sewer Service (“GMWSS”) which asserts that, as a Sale for Resale customer, GMWSS has a specialized interest in the proceeding that is not otherwise represented. KAWC requests that the Commission deny GMWSS’s motion for three reasons: (1) GMWSS’s Motion relies on calculations regarding GMWSS’s Sale for Resale water purchase that appear to be inaccurate; (2) GMWSS has not demonstrated that it has a specialized interest in this proceeding; and (3) the Attorney General’s statutory responsibility to represent all consumers in this proceeding extends to Sale for Resale customers like GMWSS, making GMWSS’s intervention unnecessary.

1. Legal Standard

The Commission’s standard for intervention is set forth by KRS 278.040(2), which limits intervention to parties with an interest in subjects under Commission jurisdiction,¹ and 807 KAR

¹ *Electronic Application of Kentucky Power Company for (1) A General Adjustment of its Rates for Electric Service; (2) An Order Approving its 2017 Environmental Compliance Plan; (3) An Order Approving its Tariffs and Riders; (4) An Order Approving Accounting Practices to Establish Regulatory Assets and Liabilities; and (5) An Order Granting*

5:001 Section 4(11), which requires that the movant demonstrate either “(1) a special interest in the proceeding which is not otherwise adequately represented in the case or (2) 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.”²

The Commission has reiterated that adequately demonstrating a special interest requires more than “a mere recitation of the quantity of utility service consumed by the movant or a general statement regarding a potential impact of possible modification of rates.”³ Finally, although the Commission may weigh a movant’s conduct in past proceedings, “each case and each party’s request to intervene in each case must be considered individually.”⁴

2. The water usage information attached to GMWSS’s Motion appears to be incorrect.

The Affidavit of Chase Azevedo attached as Exhibit 1 to GMWSS’s Motion (“Azevedo Affidavit”) shows an exponential increase in Sale for Resale water purchases which appears to be the result of a calculation error. In the Affidavit, Mr. Azevedo states that KAWC’s December 16, 2025 rate increase has created hundreds of thousands of dollars in additional costs for GMWSS, but these assertions are: (1) based on calculations that are inconsistent with KAWC’s billing records for GMWSS’s Sale for Resale purchases; and (2) indicate that GMWSS has purchased approximately **21 times as much water** from KAWC in the first part of 2026 as it did in all of

All Other Required Approvals and Relief, Case No. 2017-00179, Order at 5 (Ky. PSC Aug. 3, 2017) (quoting *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007)).

² *Id.*

³ *Proposed Adjustment of the Wholesale Water Service Rates of Princeton Water and Wastewater*, Case No. 2019-00444, Order at 3 (Ky. PSC Dec. 20, 2019).

⁴ *Application of Kentucky-American Water Company for Approval of Accounting Accruals*, Case No. 2003-00478, Order at 3-4 (Ky. PSC May 3, 2004) (finding that movant was not entitled to a presumption that their intervention would assist the Commission.). See also *Electronic 2021 Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2021-00393, Order at 7, n. 26 (Ky. PSC Jan. 11, 2022) (stating that “any abuses” by an intervenor “may affect future findings regarding whether a party’s participation will unduly complicate or disrupt the proceedings.”).

2025.⁵ Mr. Azevedo states that GMWSS purchased **2,399,200** gallons of Sale for Resale water in all of 2025 for **\$15,956**.⁶ He then states that, since December 16, 2025, GMWSS has purchased **51,583,263** gallons of water from KAWC **in less than 6 months** and has paid usage charges totaling **\$428,610.49**.⁷ This drastic increase in water usage does not match KAWC's billing records.⁸ As Mr. William A. Lewis explains in his Affidavit attached hereto as Exhibit A, KAWC's records for GMWSS's two Sale for Resale accounts show that, for 2026, GMWSS has purchased **1,664,300** gallons of Sale for Resale water for usage charges totaling **\$13,828.84** and a total cost of **\$18,650.61**.⁹ KAWC does not know the source of or reason for this drastic discrepancy, but it appears that Mr. Azevedo's Affidavit is incorrect. Under the assumption that Mr. Azevedo's calculations are incorrect, it is an indication that GMWSS intervention will unduly complicate this case by adding inaccurate information to the record.

3. GMWSS has not demonstrated a specialized interest in this case.

In addition to the fact that GMWSS's intervention will unduly complicate the proceeding, rather than assist the Commission in developing the record, the Commission should also deny GMWSS's motion because its status as a single Sale for Resale customer does not constitute a specialized interest in this case.

When the Commission has granted intervention to individual customers in a rate case, it is often based on the customers' unique service characteristics and demonstrated ability to assist the

⁵ Azevedo Affidavit at ¶¶ 4, 7 and see the Affidavit of William A. Lewis, attached hereto as Exhibit A ("Lewis Affidavit") at ¶¶ 8 – 11.

⁶ Azevedo Affidavit ¶ 4

⁷ Azevedo Affidavit at ¶¶ 7-8.

⁸ Attached hereto collectively as Exhibit B are all of the invoices for 2025 and 2026 for each of the two Sale for Resale accounts GMWSS has with KAWC and summary totals of those invoices. Account #1 has a service address at Cherry Blossom Way. Account #2 has a service address at Champion Way. These are being filed pursuant to a Petition for Confidential Treatment.

⁹ Lewis Affidavit at ¶11.

Commission in developing the in the case.¹⁰ Even in the case of unique customers, though, the Commission has found that their “generalized interests” in a utility’s rates and service do not justify intervention. In Kentucky Power Company’s (“Kentucky Power”) 2017 rate case, Kentucky Power proposed changes to its Non-Utility Generator Tariff (“Tariff N.U.G.”), as well as adjustments to the industrial customer rates the utility used to calculate N.U.G. customers’ minimum rates.¹¹ Despite this, the Commission denied intervention to Riverside Generating Company, LLC (“Riverside”), the *sole* customer receiving service under Kentucky Power’s Tariff N.U.G.¹² Although the Commission recognized that Riverside had an interest in the case as a Kentucky Power customer, it was only “as a customer with a generalized interest in Tariff N.U.G.”¹³ Further, the Commission found that Riverside’s strong opposition to Kentucky Power’s tariff changes did not demonstrate that its participation would assist the Commission.¹⁴ Without either a special interest or a showing that its participation would develop the record, the Commission denied Riverside’s motion.¹⁵

Like Riverside, GMWSS’s Motion does not demonstrate that it has more than a generalized interest in this proceeding. GMWSS’s Motion argues that intervention is appropriate because the results of KAWC’s previous rate case were unfavorable to Sale for Resale customers,¹⁶ and states

¹⁰ See e.g. *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates and Approval of Certain Regulatory and Accounting Treatments*, Case No. 2025-00113 Order (Ky. PSC July 2, 2025) (Discussing Walmart Inc.’s unique usage characteristics and finding that Walmart both has a special interest in the case and will assist the Commission.).

¹¹ Case No. 2017-00179, Application, Vol. II, Ex. E at 89, 149 (Ky. PSC June 28, 2017) (The N.U.G. Tariff’s minimum rate was equal to the sum of Kentucky Power’s I.G.S. Energy Charge, various adjustment clauses, and the I.G.S. Capacity Charge.)

¹² *Id.*, Order at 5 (Ky. PSC. (Aug. 3, 2017)).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Georgetown Municipal Water and Sewer Services Motion to Intervene at 2 (Ky. PSC June 2, 2026).

its intention to broadly assist in the Commission’s analysis of “rate design, cost allocation, return on equity, and certain revenue requirement components.”¹⁷

Although it is true that the Commission’s order in KAWC’s last case did increase rates for Sale for Resale customers (including GMWSS) beyond what KAWC requested, “each case and each request to intervene in each case must be considered individually.”¹⁸ The proposed increase in *this* rate case for Sale for Resale customers is roughly 5.15%, but again, a single customer in the Sale for Resale customer class does not have a “special interest” that is not otherwise represented by the Attorney General, who is already a part to this case. Moreover, as discussed above, GMWSS has not presented any support for its belief that it will assist the Commission in evaluating the issues relevant to this proceeding.

4. The Attorney General’s statutory responsibility to represent customers in rate case proceedings extends to wholesale customers like KAWC.

Finally, granting GMWSS’s Motion is unnecessary because the Kentucky Attorney General is statutorily authorized and required to represent the GMWSS’s interests in this proceeding. Indeed, KRS 367.150(8)(b) of the Kentucky Consumer Protection Act (“KCPA”) charges the Office of the Attorney General with the responsibility to intervene in rate cases in the interest of all “consumers,”¹⁹ a term that Kentucky Courts have found extends to all Kentucky entities engaged in “the conduct of commerce,” including wholesale customers.²⁰ In *Com. ex rel Stephens*, the Kentucky Court of Appeals contrasted the KCPA, which contains no limitations on

¹⁷ *Id.* at 3.

¹⁸ Case No. 2003-00478, Order at 3-4 (Ky. PSC May 3, 2004) (Denying intervention to customer advocacy group).

¹⁹ KRS 367.150(8)(b).

²⁰ *See Com. ex rel Stephens v. North American Van Lines Inc.*, 600 S.W.2d 459 (July 20, 1979) (Holding that the Kentucky Consumer Protection Act “was broadly designed to curtail unfair, misleading or deceptive practices” and that the definition of consumer, therefore, does not limit the meaning of consumers to purchasers for personal consumption, but extends to other parties engaged in commercial activities.). KRS 367.110(1) (defining “person” as natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.”)

the meaning of “consumer,” with a prior version of the Illinois Consumer Fraud Act, which explicitly excluded entities who participated in resale of goods, finding that the Kentucky Consumer Protection Act’s definition of consumer included individuals engaged in commerce, including wholesaler and producer transactions.²¹ Because the Attorney General’s authority stems from the KCPA, their responsibility to represent “consumers” extends to all of KAWC’s customers, including GMWSS.

Because the Attorney General is charged with representing Sale for Resale customers, GMWSS must demonstrate a specialized interest in the proceedings or show that their participation will assist the Commission. As the Commission explained in KAWC’s 2004 rate case, permitting intervention to multiple parties who claim to represent the same consumer interests “is a recipe for lengthy, unfocused, and expensive administrative proceedings that do little to enhance regulatory oversight of rates and services.”²² But as discussed above, GMWSS has not demonstrated that it has a specialized interest in the proceeding, and its Motion seeks intervention based on incorrect calculations that risk complicating the proceeding, not assisting the Commission in evaluating KAWC’s application. Therefore, the Commission should deny GMWSS’s Motion and allow the Attorney General to act in their statutory role as consumer advocate for this customer class.

5. Conclusion

The Commission should deny GMWSS’s Motion to Intervene because the Attorney General’s role as a representative of consumers extends to all KAWC customers, including GMWSS, because GMWSS’s sole interest in this case is as a customer with a generalized interests

²¹ *Com. ex rel. Stephens*, 600 S.W.2d at 461. *See also Com. ex. rel Chandler v. Anthem Ins. Companies Inc.*, 8 S.W.3d 48, 54 (Ky. App. 1999) (stating that under the KCPA commercial activities subject to AG oversight include wholesaler and producer transactions).

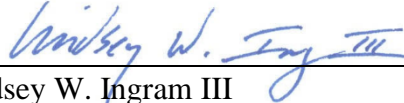
²² *Adjustment of Rates of Kentucky-American Water Company*, Case No. 2004-00103, Order at 3 (Ky. PSC Sep. 1, 2004) (Finding that customer advocate group did not demonstrate a special interest in the proceeding because of the intervention of the Attorney General and LFUCG, but granting intervention because of the group demonstrated a likelihood of assisting the Commission.).

in KAWC's rates and tariffs, and because GMWSS's motion demonstrates that its participation in this case risks adding undue complications that will distract from the primary issues in the case.

WHEREFORE, Kentucky-American Water Company respectfully asks the Commission to deny GMWSS's Motion to Intervene in this case.

Dated: June 9, 2026

Respectfully submitted,

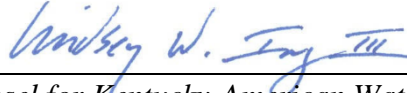


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CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001, Section 8 as modified by 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 June 9, 2026; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



Counsel for Kentucky-American Water Company