

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND	)	
ELECTRIC COMPANY FOR A CERTIFICATE	)	CASE NO.
OF PUBLIC CONVENIENCE AND NECESSITY	)	2009-00198
AND APPROVAL OF ITS 2009 COMPLIANCE	)	
PLAN FOR RECOVERY BY ENVIRONMENTAL	)	
SURCHARGE	)	

O R D E R

On July 16, 2009, Tammy Stewart submitted a letter, which the Commission will treat as a motion, in which she requested permission to intervene in this proceeding. On July 24, 2009, Louisville Gas and Electric Company ("LG&E") filed a response objecting to Ms. Stewart's motion for intervention.

The only person entitled to intervene as a matter of right is the Attorney General, pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>1</sup>

In exercising its discretion to determine permissive intervention, the Commission follows its regulation, 807 KAR 5:001, Section 3(8). That regulation requires a person seeking intervention to file a request in writing which "shall specify his interest in the proceeding." That regulation further provides that:

If the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by party is likely to present issues or to develop facts that assist the commission

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<sup>1</sup> Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky, 407 S.W.2d 127, 130 (Ky. 1996).

in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention.<sup>2</sup>

It is under these statutory and regulatory criteria that the Commission reviews a motion to intervene.

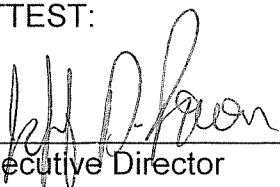
Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that Ms. Stewart has offered no factual basis to justify her request, since she has not demonstrated that she is likely to assist the Commission in rendering its decision. Therefore, we find that the motion should be denied.

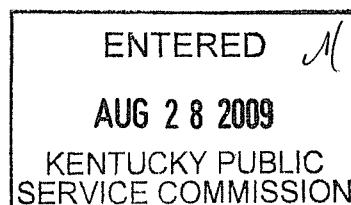
Ms. Stewart will have ample opportunity to participate in this proceeding even though she is not granted intervenor status. Ms. Stewart can review all documents filed in this case and monitor the proceedings via the Commission's website at the following web address: <http://psc.ky.gov/pscscf/2009%20cases/2009-00198/>. Ms. Stewart may also file comments as frequently as she chooses, and those comments will be entered into the record of this case. Finally, she may also attend and present public comment at the public hearing to be held at our offices in Frankfort, Kentucky on November 3, 2009.

IT IS THEREFORE ORDERED that Ms. Stewart's motion for intervention is denied.

By the Commission

ATTEST:

  
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Executive Director



<sup>2</sup> Id.

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