

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. FOR: 1) AN ADJUSTMENT OF	)	
THE ELECTRIC RATES; 2) APPROVAL OF AN	)	
ENVIRONMENTAL COMPLIANCE PLAN AND	)	
SURCHARGE MECHANISM; 3) APPROVAL OF	)	CASE NO.
NEW TARIFFS; 4) APPROVAL OF ACCOUNTING	)	2017-00321
PRACTICES TO ESTABLISH REGULATORY	)	
ASSETS AND LIABILITIES, AND 5) ALL OTHER	)	
REQUIRED APPROVALS AND RELIEF	)	

ORDER

This matter is before the Commission upon Kentucky League of Cities' ("KLC") motion to intervene filed on October 17, 2017. In support of its motion, KLC states that it is a non-profit association representing more than 380 Kentucky cities and municipal agencies, which include all of the municipalities receiving electric service from Duke Energy Kentucky, Inc. ("Duke Kentucky"). KLC further states that it has a special interest in the instant matter that cannot be represented by any other party because its membership includes cities that are diverse in terms of size, population, infrastructure, and geographic location. KLC asserts that it has a particular interest in Duke Kentucky's lighting tariffs, including the proposed LED street lighting tariff. If permitted to intervene, KLC avers that it would be able to present issues and develop facts that would assist the Commission in fully considering the matter. KLC states that it intends to examine and submit testimony on the issues of rate allocation and revenue requirement as well as

Duke Kentucky's proposed environmental compliance plan and associated recovery of those costs through the environmental surcharge mechanism.

KLC also acknowledged that its motion has been filed outside of the October 13, 2017 deadline for intervention requests. KLC maintains that its delay in filing its intervention motion was due to "KLC's process of senior management conferring with key senior board members prior to proceeding with intervention,"<sup>1</sup> and was delayed further by "extensive review of the KLC budget for this case."<sup>2</sup>

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that the September 27, 2017 Order established a deadline of October 13, 2017, for the filing of intervention requests. The September 27, 2017 Order also provided that intervention requests submitted after the October 13, 2017 should show good cause for being untimely. The Commission further finds that KLC has not established good cause to permit it leave to file its motion for intervention beyond the filing deadline of October 13, 2017. The Commission notes that Duke Kentucky filed its notice of intent on August 2, 2017, informing of its intent to file a rate application. Duke Kentucky originally filed the instant application on September 1, 2017, and published notice to the public pursuant to 807 KAR 5:001, Section 17.<sup>3</sup> Thus, KLC had notice of the instant matter, at the earliest, on August 2, 2017, or, at the latest, on September 1, 2017. KLC's proffered general reasons for the delay but failed to clearly set forth why it was unable to meet the October 13, 2017 intervention request deadline in light of the fact that it had at

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<sup>1</sup> Kentucky League of Cities Motion to Intervene at ¶ 7.

<sup>2</sup> *Id.*

<sup>3</sup> Due to certain deficiencies in its application, Duke Kentucky's application was not deemed filed until those deficiencies, including re-publishing of a corrected public notice, were cured on September 15, 2017.

least two and a half months' notice of the instant matter. Accordingly, we will deny KLC's motion to intervene as untimely filed.

IT IS HEREBY ORDERED that KLC's motion to intervene is denied.

By the Commission



ATTEST:

  
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