

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF WATER	)	CASE NO.
SERVICE CORPORATION OF KENTUCKY FOR A	)	2020-00160
GENERAL ADJUSTMENT IN EXISTING RATES	)	

ORDER

The matter is before the Commission upon the motion of Hickman County School District (School District) filed on June 26, 2020. Water Service Corporation of Kentucky (Water Service Kentucky) filed a response to the motion on July 6, 2020.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that the only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General was granted intervention in this matter by the Commission's Order entered June 16, 2020. Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>1</sup> The Kentucky Court of Appeals has held that the Commission's discretion to grant or deny a motion for intervention is not unlimited, and has enumerated the limits on the Commission's discretion, with one arising under statute, the other under regulation.<sup>2</sup> The statutory limitation, KRS 278.040(2), requires that "the person seeking intervention must have an

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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. 1966).

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

interest in the 'rates' or 'service' of a utility, since those are the only two subjects under the jurisdiction of the PSC."<sup>3</sup>

The regulatory limitation is set forth in 807 KAR 5:001, Section 4(11)(a), which requires a person to 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.

In reviewing the pending motion to intervene, the Commission agrees with Water Service Kentucky's argument that the Commission has consistently found that "[a] mere recitation of the quantity of water consumed by the movant or a general statement regarding a potential impact of a possible modification of rates will not be deemed sufficient to establish a special interest."<sup>4</sup> In its motion, School District mentions utility related expenses, but it has not specifically stated what special interest it has in the case or that is not otherwise adequately represented.

Lastly, the Commission finds that School District's intervention in this matter would unduly complicate and disrupt the proceedings.

The School District will have an opportunity to participate in this proceeding, although not as an intervenor. The School District can review all public documents filed in this case and monitor the proceedings via the Commission's website at the following web address:

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<sup>3</sup> *Id.* at 3.

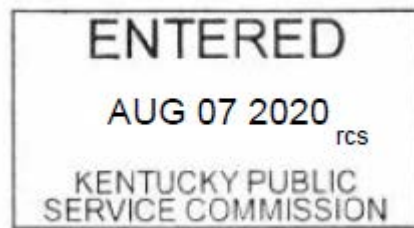
<sup>4</sup> Water Service Kentucky's Response to Hickman County School Board's Motion to Intervene, at 2, citing Case No. 2018-00358, *Electronic Application of Kentucky-American Water Co. for an Adjustment of Rates* (Ky. PSC Dec. 5, 2018).

[http://psc.ky.gov/PSC\\_WebNet/ViewCaseFilings.aspx](http://psc.ky.gov/PSC_WebNet/ViewCaseFilings.aspx)[http://psc.ky.gov/PSC\\_WebNet/ViewCaseFilings.aspx?case=2020-00160](http://psc.ky.gov/PSC_WebNet/ViewCaseFilings.aspx?case=2020-00160). In addition, the School District may file comments as frequently as it chooses, and those comments will be entered into the record of this case.

IT IS THEREFORE ORDERED that the motion to intervene filed by the School District is denied.

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By the Commission



ATTEST:



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