

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

The matter is before the Commission upon the motions by John and Paula Boaz, filed June 8, 2020; Alvin Miller and Brandon Pinnington, filed June 17, 2020; Brandy Crenshaw, filed June 22, 2020; Sharon Barnett, filed June 22, 2020; Jessie Moberg, filed June 22, 2020; Pam Sulfridge, filed June 22, 2020; Pauline Givens, filed June 22, 2020; Stephanie Justice, filed June 25, 2020; and Melissa Idol, filed July 1, 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

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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).

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 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 motions to intervene, we find that John and Paula Boaz, Alvin Miller, Brandon Pinnington, Brandy Crenshaw, Sharon Barnett, Jessie Moberg, Pam Sulfridge, Pauline Givens, Stephanie Justice, and Melissa Idol did not demonstrate a special interest in this proceeding that is not otherwise adequately represented in this case. These individuals stated their opposition to the proposed rate increase; however, they did not offer information of a special interest beyond that of every other ratepayer or that they would present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Lastly, the Commission finds that John and Paula Boaz, Alvin Miller and Brandon Pinnington, Brandy Crenshaw, Sharon Barnett, Jessie Moberg, Pam Sulfridge, Pauline Givens, Stephanie Justice, and Melissa Idol’s intervention in this matter would unduly complicate and disrupt the proceedings.

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

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

John and Paula Boaz, Alvin Miller, Brandon Pinnington, Brandy Crenshaw, Sharon Barnett, Jessie Moberg, Pam Sulfridge, Pauline Givens, Stephanie Justice, and Melissa Idol will have an opportunity to participate in this proceeding even though they will not be intervenors. They can review all public documents filed in this case and monitor the proceedings via the Commission's website at the following web address:

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

IT IS THEREFORE ORDERED that the motions to intervene filed by John and Paula Boaz, filed June 8, 2020; Alvin Miller and Brandon Pinnington, filed June 17, 2020; Brandy Crenshaw, filed June 22, 2020; Sharon Barnett, filed June 22, 2020; Jessie Moberg, filed June 22, 2020; Pam Sulfridge, filed June 22, 2020; Pauline Givens, filed June 22, 2020; Stephanie Justice, filed June 25, 2020; and Melissa Idol, filed July 1, 2020, are denied.

By the Commission

ENTERED  
AUG 12 2020 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



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