

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
UTILITIES COMPANY FOR A CERTIFICATE OF	)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY FOR	)	2022-00066
THE CONSTRUCTION OF TRANSMISSION	)	
FACILITIES IN HARDIN COUNTY, KENTUCKY	)	

ORDER

This matter arises before the Commission upon a petition for intervention filed on May 9, 2022, by Jesse Robinson and Rachel Holbrook of Glendale, Kentucky (Petitioners). The petition is identical to the 20 separate petitions filed in this proceeding between April 7, 2022, and April 25, 2022, which the Commission denied by Orders dated April 25, 2022, and May 2, 2022. The petition appears to be on a form letter, and despite being entitled “Petition for Intervention,” the petition did not state any grounds for intervention, but expressed opposition to the project, which is the subject of this proceeding, and requested that the Commission “intervene in this case to stop the planned construction of this extra high voltage power line near our property.”<sup>1</sup> In particular, the petition stated that Kentucky Utilities Company (KU) is not acting in the best interests of the community by placing the transmission line in the proposed location and that there are alternate routes available that will result in fewer public health and safety risks, have a less negative impact on residential home values, and have a less

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<sup>1</sup> Robinson-Holbrook Petition for Intervention (filed May 9, 2022), final sentence.

negative impact to the aesthetics of the Glendale area.<sup>2</sup> The petition stated that KU was given the right to serve the new Ford Motor Company (Ford) plant in spite of the fact that a rural electric cooperative serves the majority of the surrounding area.<sup>3</sup> The petition alleged that rural electric ratepayers will subsidize KU in relation to this project, and that KU is being irresponsible by choosing a line route that negatively impacts the health, safety and property values of rural Glendale residents.<sup>4</sup>

On April 15, 2022, KU filed a response to two form letter petitions filed on April 13, 2022. Those petitions were identical in every respect to this petition, other than the signatures affixed to them. In its response, KU stated that the petitions were not timely filed as required by Commission regulation 807 KAR 5:001, Section 4(11)(a), and that the petitions did not contain support for finding that there was good cause for the untimely filing.<sup>5</sup> Additionally, KU stated that the petitions failed to state how intervention is likely to present issues or develop facts that will assist the Commission in deciding the matter without unduly complicating or disrupting the proceedings.<sup>6</sup> KU asked that these petitions be denied.<sup>7</sup> KU asserted a standing opposition to any form petitions such as these that may be filed in this proceeding in the future.<sup>8</sup>

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<sup>2</sup> Robinson-Holbrook Petition for Intervention.

<sup>3</sup> Robinson-Holbrook Petition for Intervention.

<sup>4</sup> Robinson-Holbrook Petition for Intervention

<sup>5</sup> KU's Response to the Pile and Chesser Petitions to Intervene (filed Apr. 15, 2022) at 1-2.

<sup>6</sup> KU's Response to the Pile and Chesser Petitions to Intervene at 2-4.

<sup>7</sup> KU's Response to the Pile and Chesser Petitions to Intervene at 4.

<sup>8</sup> KU's Response to the Pile and Chesser Petitions to Intervene at 4.

## LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>9</sup>

The statutory standard for permissive intervention, 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>10</sup>

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11) requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that 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 cases involving an application for a Certificate of Public Convenience and Necessity (CPCN) to construct an electric transmission line, the Commission also considers KRS 278.020(9) which includes a person over whose property a proposed transmission line will cross as an “interested person” who may request intervention.

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<sup>9</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

<sup>10</sup> *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 at 3 (Ky. App. Feb. 2, 2007).

## DISCUSSION AND FINDINGS

The Commission established a procedural schedule to facilitate the orderly processing of this matter within the time allotted by statute, and the deadline to file a motion requesting intervention was April 8, 2022.<sup>11</sup> Because this petition was filed after the established procedural deadline, it is not timely filed, and on that basis, as well as the reasons stated below, the petition is denied. The petition did not identify any special interest in the proceeding, but rather recited general objections to the location of the proposed facilities, alleged that residential property values will decrease, and that rural electric ratepayers will subsidize KU in relation to this project. The petition did not indicate, in any way, that the petitioners will develop facts and present issues to assist the Commission in deciding the matter. The petition stated that the location of the proposed facilities will have negative impacts on the health, safety, and aesthetics of the local area but failed to explain specifically what negative impacts were alleged.

Due to the nature of the allegations contained in the petition, the Commission will regard this petition and the others like it as public comments, Petitioners will have an opportunity to participate in this proceeding even though they are not granted intervenor status. Petitioners can review all public documents filed in this case and monitor the proceedings via the Commission's website: <https://psc.ky.gov/Case/ViewCaseFilings/2022-00066>. In addition, the Petitioners 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 petition to intervene identified in this Order is denied.

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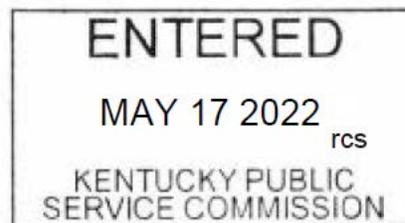
<sup>11</sup> See Order (Ky. PSC Apr. 6, 2022), Appendix

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

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Commissioner



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