

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 upon the motion of Stephen Dobson, on behalf of the Dobson Ownership Group, consisting of Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson (jointly, Dobsons) filed April 8, 2022, for full intervention. As a basis for their motion, Stephen Dobson stated that the Dobsons own 1055 Glendale-Hodgenville Road West, Glendale, Kentucky. The parcel of property is directly affected by the Kentucky Utilities Company (KU) proposed transmissions lines because one of the proposed electric transmission lines will cross the property. According to the motion, they have a special interest as property owners and are uniquely positioned to address wasteful duplication and the existing easements available for possible location of the transmission lines. Although the motion was filed by Stephen Dobson, who provided the certificate of service and a cover letter, Betty Dobson, Raymond Dobson, and Deanna Dobson also signed the motion.

KU filed a response to numerous requests for intervention in this matter on April 12, 2022.¹ In KU's Response, KU objected to requests made by landowners whose land would not be directly affected by the proposed transmission lines.²

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.³

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."⁴

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.

¹ KU's Response to Petitions to Intervene from Unaffected Landowners (filed Apr. 12, 2022) (KU's Response).

² KU's Response at 1.

³ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

⁴ *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 at 3 (Ky. App. Feb. 2, 2007).

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.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that the Dobsons demonstrated that they have a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented, for the reasons discussed below. The regulatory standard found in 807 KAR 5:001, Section 4(11), requires a party seeking intervention to satisfy only one prong of a two prong test, and the Commission has found the Dobsons meet the “special interest not otherwise represented” prong of the test. Therefore, it is not necessary for the Commission to analyze the likelihood of the Dobsons presenting issues or developing facts to assist the Commission in fully considering the matter without unduly complicating the matter.

The motion filed by Stephen Dobson, on behalf of the Dobson Ownership Group, was timely filed; however, Stephen Dobson cannot represent the parties. Dobson Ownership Group does not appear to be a legal entity, and on information and belief, neither Stephen Dobson, Raymond Dobson, Deanna Dobson, nor Betty Dobson is an attorney licensed to practice law in Kentucky.

No person may engage in the practice of law in Kentucky without first obtaining a license to practice.

The practice of law is any service rendered involving legal knowledge or legal advice, whether of representation, counsel

or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.⁵

Commission regulation 807 KAR 5:001 Section 4(4), incorporates this rule. The regulation, in relevant part, requires that “[a] person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2).⁶

Because he is not a lawyer licensed to practice law in Kentucky, Stephen Dobson cannot represent the interests of the Dobsons in this proceeding. However, Stephen Dobson can represent himself before the Commission, as can each of the other Dobsons who signed the motion to intervene. Because the Dobsons’ motion requested intervention for a group of individuals and was not filed by an attorney licensed to practice law in Kentucky, the motion was improper as to form. However, each individual who signed the motion has the same basis for requesting intervention. Therefore, the facts alleged in the motion apply to each individual named in the motion, and the motion was signed by each individual. For this reason, the Commission will disregard the form of the motion and analyze the request for intervention of each of the Dobsons as an individual request.

The proposed transmission line will cross property owned by Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson; therefore, each party, in his or her individual capacity, is an interested person as described in KRS 278.020(9). It is reasonable to expect property in the direct path of the proposed line to be impacted by the construction of the line if the CPCN is granted.

⁵ Kentucky SCR 3.020.

⁶ 807 KAR 5:001, Section 4(4).

Although other landowners may be granted intervention, the size of this project means that not all landowners are situated equally. Based on the maps provided by KU,⁷ these proposed transmission lines, as well as the proposed alternative routes, will impact both farmland and suburban residential areas. Suburban homeowners and owners of farm property have different interests because their land usage differs. In the motion, the Dobsons stated that this parcel of land has already been subject to eminent domain proceedings. The parcel is owned by several individuals⁸ and is unique in that way. The Commission wants to ensure that all individuals claiming an ownership interest in this particular parcel are granted intervention if they have filed a timely request.

In footnote 2 of KU's Response KU implied that landowner(s) directly affected by the proposed transmission lines do have a special interest, and KU does not object to their participation.⁹

Based on the above, the Commission finds that Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson, in his or her individual capacity, are each granted full rights of a party in this proceeding. The Commission directs Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson to the Commission's July 22, 2021 Order in Case No. 2020-00085¹⁰ regarding filings with the Commission. In order to

⁷ KU's Responses to Commission Staff's First Request for Information (filed Apr. 8, 2022), Item 1, Attachment at 1–36.

⁸ Larry and Kay Hagan, John and Loretta Hagan and Stephen Dobson, Betty Dobson, Raymond Dobson and Deana Dobson have all filed intervention requests on April 8, 2022, claiming ownership interest in 1055 Glendale–Hodgenville West, Glendale, Kentucky.

⁹ KU's Response at 1, footnote 2.

¹⁰ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

encourage convenience and reduce duplicity, the Commission encourages each individual to make a joint filing, when possible. Each individual must represent that they are filing jointly and sign the filings in their individual capacity.

IT IS HEREBY ORDERED that:

1. The motion of Stephen Dobson, on behalf of Dobson Ownership Group, to intervene is denied.

2. The request for intervention made by Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson, each in their individual capacity, is granted.

3. Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson are entitled to the full rights of a party, individually, and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties, individually, after the date of this Order.

4. Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson, as individuals, are permitted to file separately or jointly any documents in accordance with the Commission's regulations in order to encourage efficiency and reduce duplicity.

5. Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.

6. Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson shall adhere to the procedural schedule set forth in the Commission's April 6, 2022 Order and as amended by subsequent Orders.

7. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson shall file a written statement with the Commission that:

a. Certifies that he or she, or his or her agent, possesses the facilities to receive electronic transmissions; and

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

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PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman

Commissioner

ENTERED
APR 25 2022 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

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