

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF WATER	)	
SERVICE CORPORATION OF KENTUCKY FOR	)	
A GENERAL ADJUSTMENT IN EXISTING RATES	)	CASE NO.
AND A CERTIFICATE OF PUBLIC	)	2022-00147
CONVENIENCE AND NECESSITY TO DEPLOY	)	
ADVANCED METERING INFRASTRUCTURE	)	

ORDER

This matter arises upon the motion of the city of Clinton (Clinton), filed June 28, 2022, for full intervention. As a basis for its motion, Clinton stated that its wastewater facilities were previously managed by Water Service Corporation of Kentucky (Water Service Kentucky) until December 2021, when the parties mutually terminated that agreement, but the cost to its customers for wastewater is still determined by the cost of water supplied by Water Service Kentucky. Clinton further stated that its employees have knowledge of Water Service Kentucky's facilities within Clinton, including their maintenance and upkeep, which are issues that Water Service Kentucky is basing its current request for increased rates. Clinton has concern that Water Service Kentucky's last increase went into effect less than two years ago and stated an increase would exacerbate the financial problems of an already stagnate population in Clinton. Clinton also stated that its workers have information pertinent to the improvements proposed by Water Service Kentucky that would not be readily available to the Attorney General and is valuable to the Commission during this rate case. Clinton further stated that granting it intervention will not unduly complicate or disrupt the proceedings.

## 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>1</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.

## DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that Clinton demonstrated it has a special interest in this proceeding, over which the Commission has jurisdiction and it is not otherwise adequately represented or that Clinton is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings because of its special interest in the rates at issue here that affect the cost to its customers, and the potential for its workers to have unique knowledge of the facilities, and their maintenance and upkeep in accordance with 807 KAR 5:001, Section 4(11)(1).

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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).

The Commission further finds that Clinton meets the second prong under 807 KAR 5:001, Section 4(11), as it has information regarding Water Service Kentucky's facilities and proposed improvements that is not readily available to the Attorney General and will assist the Commission in reviewing this matter without unduly complicating the proceedings.

Based on the above, the Commission finds that Clinton meets both requirements pursuant to 807 KAR 5:001, Section 4(11) and is granted full rights of a party in this proceeding. The Commission directs Clinton to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>2</sup> regarding filings with the Commission.

The Commission further finds that, due to an unintentional delay in granting Clinton's motion, the procedural schedule should be amended to provide Clinton the full opportunities provided to parties.

IT IS HEREBY ORDERED that:

1. Clinton's motion to intervene is granted.
2. Clinton is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Clinton 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.

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<sup>2</sup> 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).

4. The amended procedural schedule attached to this Order as Appendix A shall reflect the new procedural schedule in accordance with the original June 23, 2022 Order and July 1, 2022 *nunc pro tunc* Order.

5. All provisions of the Commission's Order of June 23, 2022, in conflict with the provisions of this Order are vacated. All other provisions of the Order of June 23, 2022, shall remain in effect.

6. Clinton shall adhere to the procedural schedule set forth in Appendix A and as amended by subsequent Orders.

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

a. Certifies that it, or its 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.

PUBLIC SERVICE COMMISSION

  
Chairman

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

  
Commissioner



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00147 DATED AUG 05 2022

Last day for intervention requests to be accepted.....	06/30/2022
All initial requests for information to Water Service Kentucky shall be filed no later than .....	08/18/2022
Water Service Kentucky shall file responses to initial requests for information no later than.....	09/01/2022
All supplemental requests for information to Water Service Kentucky shall be filed no later than .....	09/15/2022
Water Service Kentucky shall file responses to supplemental requests for information no later than .....	09/29/2022
Intervenor testimony, if any, in verified prepared form shall be filed no later than.....	10/13/2022
All requests for information to Intervenors shall be filed no later than .....	10/27/2022
Intervenors shall file responses to requests for information no later than.....	11/10/2022
Water Service Kentucky shall file, in verified form, its rebuttal testimony no later than .....	11/23/2022
Public Hearing to be held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses of Water Service Kentucky and Intervenors.....	To be scheduled
Post-Hearing Briefs, if any .....	To be scheduled

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