

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-)	
AMERICAN WATER COMPANY FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO.
NECESSITY AUTHORIZING THE)	2023-00248
CONSTRUCTION OF A WATER TRANSMISSION)	
MAIN TO THE CITY OF MILLERSBURG)	

ORDER

This matter arises upon the motion of the city of Paris (Paris) filed August 14, 2023, for full intervention. As a basis for its motion, Paris stated that it has a special interest that is not otherwise represented as it supplies 200,000 gallons of water per month to Kentucky-American Water Company (Kentucky-American). Paris also argued that if its intervention is granted it 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, as it is a current supplier of water to the area and the proposed water line will be located in or near Paris.

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). The Attorney General

has not intervened in this case. Intervention by all others is permissive and is within the sole discretion of the Commission.¹

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 sufficient advised, the Commission finds that Paris is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings due to its unique position of being the current supplier of water to the area in which Kentucky-American is seeking to run a water line, as well as the geographic location of Paris in relation to the proposed water line. Having found a basis for granting intervention, the Commission need not address whether Paris has a special interest in the proceeding.

Based on the above, the Commission finds that Paris should be granted full rights of a party in this proceeding. The Commission directs Paris to the Commission's July 22, 2021 Order in Case No. 2020-00085² regarding filings with the Commission.

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

² 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).

IT IS HEREBY ORDERED that:

1. Paris's motion to intervene is granted.
2. Paris 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. Paris 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.
4. Paris shall adhere to the procedural schedule set forth in the Commission's August 7, 2023 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Paris 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

ENTERED
AUG 28 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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