

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC INVESTIGATION INTO)	
FARMDALE WATER DISTRICT TO DETERMINE)	
THE FEASIBILITY OF MERGER WITH A)	CASE NO.
PROXIMATE UTILITY PURSUANT TO)	2024-00202
KRS 74.361 OR ABANDONMENT PURSUANT TO)	
KRS 278.020(6), AND KRS 278.021)	

ORDER

This matter arises upon the motion of the Electric and Water Plant Board of the city of Frankfort, KY (Frankfort Plant Board), filed October 30, 2024, for full intervention in the merger or abandonment case of Farmdale Water District (Farmdale District). As a basis for its motion, the Frankfort Plant Board stated that Farmdale District has been a wholesale water customer of the Frankfort Plant Board since the 1960's.¹ The Frankfort Plant Board argued that the merger directly affects the Frankfort Plant Board and its wholesale contract, and therefore, it has a special interest that cannot be adequately represented by any other party.² The Frankfort Plant Board also asserted that its participation in this matter will not unduly complicate or disrupt the proceedings, and no entity or person will be prejudiced if the Frankfort Plant Board is allowed to intervene.³

¹ Frankfort Plant Board's Motion to Intervene (filed Oct. 30, 2024) (Motion) at 1.

² Motion at 1.

³ Motion at 2.

LEGAL STANDARD

Until recently, 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).⁴ Intervention by all others is permissive and is within the sole discretion of the Commission.⁵

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 the Frankfort Plant Board has demonstrated that it has a special interest in the proceeding that is not otherwise adequately represented and that the Frankfort Plant Board is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings, for the reasons discussed below.

⁴ The Energy Planning and Inventory Commission has a right to intervene in Public Service Commission cases as of the passage of KRS 164.2807(8).

⁵ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

The Frankfort Plant Board is one of the entities the Commission named as a potential merger candidate in its September 4, 2024 Order opening the case. The Frankfort Plant Board has a direct special interest in the case as a potential candidate for a merger and as the wholesale water supplier for Farmdale District. This interest would not otherwise be represented. Furthermore, the Frankfort Plant Board's experience as a municipal water utility means that its intervention will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Based on the above, the Commission finds that the Frankfort Plant Board should be granted full rights of a party in this proceeding. The Commission directs the Frankfort Plant Board to the Commission's July 22, 2021 Order in Case No. 2020-00085⁶ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. The Frankfort Plant Board's motion to intervene is granted.
2. The Frankfort Plant Board 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. The Frankfort Plant Board 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. The Frankfort Plant Board shall adhere to the procedural schedule set forth in the Commission's September 4, 2024 Order and as amended by subsequent Orders.

⁶ 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).

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, the Frankfort Plant Board 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.

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PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director

ENTERED
NOV 26 2024 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

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