

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA)	CASE NO.
NATURAL GAS COMPANY, INC. FOR AN)	2024-00346
ADJUSTMENT OF GAS RATES)	

ORDER

On December 18, 2024,¹ David Smith, a residential and commercial customer of Delta Natural Gas Company, Inc. (Delta),² filed a motion to intervene in this matter. In support of his motion, Mr. Smith stated that “the rates are unconscionable and the service to the customers has drastically decreased since the sale of Delta Natural Gas Company, Inc., to Peoples an Essential Utilities Company.”³

On December 18, 2024, Delta filed a response to Mr. Smith’s motion, objecting to his participation as an intervening party.⁴ In its objection, Delta provided three reasons for its opposition to Mr. Smith’s participation as an intervenor. Delta argued that Mr. Smith does not argue that he represents a special interest beyond that of a customer and, in support of its arguments, Delta cited to several prior Orders denying intervention to other persons based on similar grounds.⁵ Additionally, Delta stated that Mr. Smith did not

¹ The deadline to intervene of Dec. 13, 2024 was set by Order issued Dec. 5, 2024. The certificate of service included with the motion noted that Mr. Smith mailed the motion on December 9, 2024.

² Motion to Intervene (Motion) (filed Dec. 18, 2024).

³ Motion.

⁴ Delta’s Objection to Request for Intervention (Objection) (filed Dec. 18, 2024).

⁵ Objection at 1–3.

present any argument that he would assist the Commission by presenting facts or developing the record to assist the Commission.⁶ According to Delta, Mr. Smith did not present any facts, experience or expertise that would allow him to assist the Commission in the proceeding.⁷ Finally, Delta noted that Mr. Smith failed to comply with 807 KAR 5:001 Section 4(11)(a)(1) as a result of his failure to provide an email address in his filing.⁸

LEGAL STANDARD

The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), has the statutory right to intervene in Commission cases to represent and be heard on behalf of consumers' interests pursuant to KRS 367.150(8)(b). The Attorney General was granted intervention in this proceeding on December 4, 2024.⁹ With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.¹⁰

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.¹¹

⁶ Objection at 3–4.

⁷ Objection 3–4.

⁸ Objection at 4.

⁹ Order (Ky. PSC Dec. 4, 2024).

¹⁰ KRS 164.2807.

¹¹ 807 KAR 5:001, Section 4(11).

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Mr. Smith has failed to demonstrate that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented nor that he 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.

As the Commission has held in the past, the Attorney General, as an intervenor in this matter, will represent the interests of the customers of Delta.¹² As noted in at least one prior Order, the Attorney General “has consistently intervened on behalf of ratepayers in proceedings [...] and the Attorney General is sufficiently knowledgeable about issued

¹² Case No. 2020-00349, *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit* (Ky. PSC Jan. 12, 2021), Order (denying three customers’ requests for intervention); Case No. 2009-00198, *Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Aug. 28, 2009), Order (denying intervention to customer Tammy Stewart on ground she lacked a special interest meriting intervention, as well as expertise that would assist the Commission); Case No. 2009-00174 *Application of Kentucky Utilities Company for an Order Approving the Establishment of a Regulatory Asset* (Ky. PSC June 26, 2009), Order (denying Rep. Jim Stewart’s Motion to Intervene because he had neither a special interest in the proceeding nor was he likely to assist the Commission to render a decision); Case No. 2007-00337 *Joint Application of Louisville Gas and Electric Company, Association of Community Ministries, Inc., People Organized and Working for Energy Reform, and Kentucky Association for Community Action, Inc. for the Establishment of a Home Energy Assistance Program* (Ky. PSC Sept. 14, 2007), Order (“[H]old[ing] a particular position on issues pending in ... [a] case does not create the requisite ‘special interest’ to justify full intervention under 807 KAR 5:001, Section 3(8)(b).”). Case No. 2012-00221, *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, (Ky. PSC Aug. 9, 2012), Order (denying customer Bruce Nunn’s request for intervention); Case No. 2012-00221, *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates* (Ky. PSC Aug. 9, 2012) (denying customer Michael Whipple’s request for intervention); Case No. 2009-00548, *Application of Kentucky Utilities Company for an Adjustment of Base Rates* (Ky. PSC June 2, 2010), Order (denying customer Geoffrey M. Young’s request for intervention); Case No. 2003-00433, *An Adjustment of the Electric Rates, Terms, and Conditions of Louisville Gas and Electric Company* (Ky. PSC Jan. 21, 2004), Order (denying customer Robert L. Madison’s request for intervention).

of ratemaking and rate design.”¹³ Mr. Smith does not assert anything unique or a separate special interest beyond that of a ratepayer in his motion.

In addition, the Commission notes that Mr. Smith did not present any information that would be indicative of his ability to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceeding. Mr. Smith noted his opinion on the current rates and services of Delta but does not allege any experience or expertise that would allow for the Commission to grant intervention pursuant to 807 KAR 5:001 Section 4(11).

Since the Commission does not find that Mr. Smith meets either prong of 807 KAR 5:001 Section 4(11) as a basis for intervention in this matter, the Commission finds it unnecessary to address Delta’s argument regarding compliance with the regulation related to an email address.

Mr. Smith will have an opportunity to participate in this proceeding even though he is not granted intervenor status. Mr. Smith can review all public documents filed in this case and monitor the proceedings via the Commission’s website under [View Case Filings for: 2024-00346](#). In addition, Mr. Smith may file public comments during the pendency of the case, and those comments will be entered into the record of this case. Commission staff should ensure that Mr. Smith is served a copy of this Order so that he is aware of his opportunities to participate in this matter as a member of the public and ratepayer of Delta.

¹³ Case No. 2007-00565, *Application of Kentucky Utilities Company to File Depreciation Study* and Case No. 2008-00251, *Application of Kentucky Utilities Company for an Adjustment Of Electric Base Rates* (Ky. PSC Dec. 5, 2008), Order at 5.

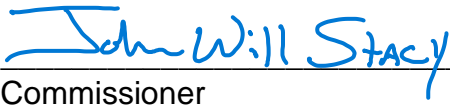
IT IS THEREFORE ORDERED that:

1. Mr. Smith's motion to intervene is denied.
2. This Order shall be mailed certified mail to Mr. Smith.

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PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:

 
Executive Director

ENTERED
JAN 8 2025
KENTUCKY PUBLIC SERVICE COMMISSION
jdc

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