

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF COLUMBIA)	
GAS OF KENTUCKY, INC. FOR AN)	CASE NO.
ADJUSTMENT OF RATES; APPROVAL OF)	2024-00092
DEPRECIATION STUDY; APPROVAL OF TARIFF)	
REVISIONS; AND OTHER RELIEF)	

ORDER

This matter arises upon the motion of the Kentucky Industrial Utility Customers, Inc. (KIUC), filed May 31, 2024, for full intervention. As a basis for its motion, KIUC stated that its members' interests cannot be adequately represented by an existing party, and it is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand.

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 been granted intervention 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

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

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 KIUC has demonstrated that it is likely to present issues or develop facts that will assist the Commission in considering this matter without undue complication the proceedings, for the reasons discussed below.

As a basis for its motion, KIUC stated that it has several members served by Columbia Gas Kentucky, Inc (Columbia Kentucky), and KIUC can supplement the names of the member intervenors if necessary.² KIUC argued that its interest is exclusively related to large industrial customers, who take service on different rate schedules than residential customers, and whose interests are different from the interests at the Attorney General's office, whose duty relates primarily to residential customers.³ KIUC stated that over the past 30 years alone, KIUC has intervened in nearly 100 cases addressing electric and gas rate and service issues.⁴ KIUC stated that in these proceedings, KIUC currently expects to, at minimum, conduct discovery and actively participate at the evidentiary

² Motion to Intervene of KIUC (filed May 31, 2024) at 2.

³ Motion to Intervene of KIUC at 2.

⁴ Motion to Intervene of KIUC at 2.

hearing.⁵ KIUC stated that its intervention will not unduly complicate or disrupt the proceedings.⁶

Based on the above, the Commission finds that KIUC should be granted full rights of a party in this proceeding. KIUC has assisted the Commission in developing facts in numerous cases, including Columbia Kentucky's last rate case, Case No. 2021-00183,⁷ without unduly complicating the proceedings. The Commission directs KIUC to the Commission's July 22, 2021 Order in Case No. 2020-00085⁸ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. KIUC's motion to intervene is granted.
2. KIUC 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. KIUC 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. KIUC shall adhere to the procedural schedule set forth in the Commission's June 5, 2024 Order and as amended by subsequent Orders.

⁵ Motion to Intervene of KIUC at 2.

⁶ Motion to Intervene of KIUC at 2.

⁷ Case No. 2021-00183, *Electronic Application of Columbia Gas Kentucky, Inc for an Adjustment of Rates; approval of Depreciation Study; Approval of Tariff Revisions; Issuance of a Certificate of Public Convenience and Necessity; and Other Relief* (Ky. PSC Dec. 28, 2021).

⁸ 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, KIUC 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


Vice Chairman


Commissioner

ENTERED
JUN 14 2024 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

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