

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR AN ADJUSTMENT OF)	CASE NO.
ITS ELECTRIC RATES AND APPROVAL OF)	2025-00113
CERTAIN REGULATORY AND ACCOUNTING)	
TREATMENTS		

ORDER

This matter arises upon the June 25, 2025 motion of Kentucky Broadband and Cable Association (KBCA) for full intervention in this matter. As a basis for its motion, KBCA stated that it has a substantial interest in this proceeding because it represents Kentucky's investor-owned cable companies and its members rely on Kentucky Utilities Company's (KU) utility pole infrastructure to construct, operate and maintain fast, reliable broadband service to nearly two million homes and businesses throughout Kentucky,¹ including hospitals and large businesses.² KBCA explained that if KU's proposed rates are approved, the rates would significantly impact KBCA members' ability to access KU's poles under just and reasonable rates to construct and operate their communications networks.³

KBCA stated that intervention will assist the Commission in developing a robust and complete record on which to evaluate KU's proposed rate increases and ensure that

¹ KBCA's Motion to Intervene (filed June 25, 2025) at 1.

² KBCA's Motion to Intervene at 2.

³ KBCA's Motion to Intervene at 2.

the Commission considers all relevant stakeholders' positions in determining whether KU's rates are just and reasonable.⁴

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 pursuant to KRS 367.150(8)(b). The Attorney General was granted intervention on May 27, 2025. With limited exception, intervention by all others is permissive and 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 sufficient advised, the Commission finds that KBCA has demonstrated that they have a special interest in the proceeding, over which the Commission has jurisdiction, that is not otherwise adequately represented. KBCA satisfies the special interest prong set forth in 807 KAR 5:001, Section 3(11), due to its member companies' reliance on KU's utility pole

⁴ KBCA's Motion to Intervene at 2-3.

⁵ KRS 164.2807.

infrastructure to provide Kentucky residents and businesses access to reliable and high-speed broadband service.⁶

In addition, although not required as KBCA has met one prong of the regulation, the Commission finds that KBCA is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceeding. KBCA stated that it will provide the Commission with unique views and perspectives not offered by another participant in this proceeding, due to its reliance on reasonable and lawful access to utility poles to deploy vital broadband services across the Commonwealth.⁷

Based on the above, the Commission finds that KBCA should be granted full rights of a party in this proceeding. The Commission directs KBCA to the Commission's July 22, 2021 Order in Case No. 2020-00085⁸ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. KBCA's motion to intervene is granted.
2. KBCA 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. KBCA 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.

⁶ KBCA's Motion to Intervene at 3.

⁷ KBCA's Motion to Intervene at 3.

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).

4. KBCA shall adhere to the procedural schedule set forth in the Commission's June 18, 2025 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, KBCA 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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