

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

On July 29, 2025, Rick Thompson filed a request for intervention in this matter. As a basis for its motion, Mr. Thompson stated the increase is outrageous and burdensome on those with a fixed income.<sup>1</sup> Mr. Thompson said his interest is as a “fixed income person” and on “affordability to eat”.<sup>2</sup>

On August 1, 2025, Kentucky Utilities Company (KU) filed a response objecting to the admission of Mr. Thompson.<sup>3</sup> As grounds for the objection, KU argued several factors existed for denial of the request. KU stated that the request was not timely.<sup>4</sup> KU also argued that Mr. Thompson did not satisfy either prong of the 807 KAR 5:001 Section 4(11).<sup>5</sup> As part of the argument against a special interest, KU provided examples of Orders in which the Commission has consistently held that a person’s status as a

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<sup>1</sup> Rick Thompson’s Request for Intervention (filed July 29, 2025).

<sup>2</sup> Rick Thompson’s Request for Intervention.

<sup>3</sup> KU’s Response to Mr. Thompson’s Request for Intervention (Response) (filed Aug. 1, 2025).

<sup>4</sup> Response at 4.

<sup>5</sup> Response at 2-4.

customer is not a special interest meriting full intervention.<sup>6</sup> KU noted that, instead, the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General) has a statutory right, pursuant to KRS 367.150(8)(b), to represent customers' interests in proceedings such as this one.<sup>7</sup> KU averred that Mr. Thompson did not present evidence that he could assist the proceedings or offer expertise to develop the record.<sup>8</sup>

On August 7, 2025, Mr. Thompson filed a comment arguing against KU's contention that his request was not timely made.<sup>9</sup> Mr. Thompson stated he received a notice enclosed with his electric bill on July 18 that states "[i]f the commission does not receive a written request for intervention within thirty (30) days of mailing of this notice, the Commission may take final action on the application."<sup>10</sup> He argued that the motion was filed on July 29, 2025, just 11 days after my receipt of the notice.<sup>11</sup>

#### LEGAL STANDARD

The Attorney General has the statutory right to intervene in Commission cases pursuant to KRS 367.150(8)(b). The Attorney General has been granted intervention in

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<sup>6</sup> Response at 2.

<sup>7</sup> Response at 2.

<sup>8</sup> Response at 3-4.

<sup>9</sup> Public Comment Folder, 20250811\_Response E-Mail to Rick Thompson.pdf (filed Aug. 11, 2025).

<sup>10</sup> Public Comment Folder, 20250811\_Response E-Mail to Rick Thompson.pdf.

<sup>11</sup> Public Comment Folder, 20250811\_Response E-Mail to Rick Thompson.pdf.

this matter.<sup>12</sup> With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.<sup>13</sup>

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 Mr. Thompson has failed to demonstrate that he has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that he is likely to present issues or develop facts that will assist the Commission without unduly complicating or disrupting the proceedings for the reasons discussed below. The Attorney General has been granted intervention in this

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<sup>12</sup> Order (Ky. PSC May 27, 2025).

<sup>13</sup> KRS 164.2807.

matter, and the Commission has long recognized<sup>14</sup> that he is the proper party to represent the ratepayers. In addition, the Commission finds insufficient evidence that Mr. Thompson's 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. Finally, the Commission finds that the request to intervene was untimely, without good cause shown. The June 18, 2025 Order in this matter established a procedural schedule which stated that the last date for intervention requests to be accepted as June 25, 2025.<sup>15</sup> This request was dated July 19, 2025, almost a month after the deadline. For all of these reasons, the request for intervention should be denied.

While the Commission did not find good cause to grant intervention, Mr. Thompson will have an opportunity to participate in this proceeding even though he is not granted

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<sup>14</sup> 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).

<sup>15</sup> Order (Ky. PSC June 18, 2025).

intervenor status. Mr. Thompson can review all public documents filed in this case and monitor the proceedings via the Commission's website View Case Filings for: 2025-00113. In addition, Mr. Thompson may file public comments as frequently as he chooses, and those comments will be entered into the record of this case. Moreover, Mr. Thompson will have an opportunity to provide public comments, both oral and written, throughout the proceedings, including at the hearing scheduled for November 3, 2025, in this matter.

IT IS THEREFORE ORDERED that Rick Thompson's motion to intervene is denied.

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PUBLIC SERVICE COMMISSION

Signed:  
w/permission

Angie Haddon  
Chairman

Andrew W. Weber  
Commissioner

Mary Pat Regan  
Commissioner

ATTEST:

Linda Bridwell RP  
Executive Director



\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\*Honorable David Edward Spenard  
Strobo Barkley PLLC  
239 South 5th Street  
Ste 917  
Louisville, KY 40202

\*Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\*Ashley Wilmes  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

\*Honorable W. Duncan Crosby III  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KY 40202-2828

\*Joe F. Childers  
Childers & Baxter PLLC  
300 Lexington Building, 201 West Sho  
Lexington, KY 40507

\*Honorable Allyson K Sturgeon  
Vice President and Deputy General Counsel-  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

\*Thomas J FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

\*John Horne  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\*Bethany Baxter  
Childers & Baxter PLLC  
300 Lexington Building, 201 West Sho  
Lexington, KY 40507

\*Gabriel Thatcher  
Attorney Senior  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KY 40507

\*Honorable Kurt J Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\*Byron Gary  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

\*Hannah Wigger  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DC 20006

\*Kyle J Smith  
General Attorney  
U.S. Army Legal Services Agency  
9275 Gunston Road  
ATTN: JALS-RL/IP  
Fort Belvoir, VA 22060-554

\*Carrie H Grundmann  
Spilman Thomas & Battle, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103

\*James B Dupree  
50 Third Ave  
Building 1310- Pike Hall  
Fort Knox, KY 40121

\*Honorable Lindsey W Ingram, III  
Attorney at Law  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KY 40507-1801

\*Honorable David J. Barberie  
Managing Attorney  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KY 40507

\*James W Gardner  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KY 40507

\*Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\*Matt Partymiller  
President  
Kentucky Solar Industries Association  
1038 Brentwood Court  
Suite B  
Lexington, KY 40511

\*Rebecca C. Price  
Sturgill, Turner, Barker & Moloney  
155 East Main Street  
Lexington, KY 40507

\*J. Michael West  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\*Randal A. Strobo  
Strobo Barkley PLLC  
239 South 5th Street  
Ste 917  
Louisville, KY 40202

\*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\*Steven W Lee  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PA 17050

\*Nathaniel Shoaff  
Sierra Club  
2101  
Webster St. , Suite 1300  
Oakland, CA 94612

\*Kentucky Utilities Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Paul Werner  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DC 20006

\*Sara Judd  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

\*Rick E Lovekamp  
Manager - Regulatory Affairs  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

\*Toland Lacy  
Office of the Attorney General  
700 Capital Avenue  
Frankfort, KY 40601

\*Robert Conroy  
Vice President, State Regulation and Rates  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

\*M. Todd Osterloh  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KY 40507