

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DEVELOPMENT OF GUIDELINES FOR)	
INTERCONNECTION AND NET METERING)	CASE NO.
FOR CERTAIN GENERATORS WITH)	2008-00169
CAPACITY UP TO THIRTY KILOWATTS)	

O R D E R

On January 8, 2009, the Commission established interconnection and net metering guidelines for the Commonwealth's jurisdictional electric utilities in accordance with Senate Bill 83 as enacted by the Kentucky General Assembly during the 2008 Regular Session. That legislation also mandated that, within 90 days of the issuance of the Commission's guidelines, each retail electric supplier shall file a net metering tariff and application forms conforming to the Commission's guidelines. The electric utilities were given 90 days to make their respective compliance filings and all of those filings have now been made.¹

Pursuant to KRS 278.180(1), a utility may make changes to its tariffs only after providing the Commission with 30 days' notice of the proposed change. Although most of the net metering tariffs did not provide 30 days' notice, the Commission finds that this deficiency does not negate the clear legislative mandate that these tariffs be filed. Therefore, we will accept the net metering tariffs for filing on the date they were

¹ Big Rivers Electric Corporation and East Kentucky Power Cooperative, Inc. did not file any net metering tariffs since they are generating and transmission cooperatives that provide only wholesale electric service and the net metering tariff is applicable only to retail service.

received and recalculate the effective date as 30 days after the filing date. Table 1 shows the date each jurisdictional electric utility filed its net metering tariff, the tariff's proposed effective date (if any), and the earliest date the tariff could become effective pursuant to KRS 278.180(1).

Table 1			
Utility²	Filing Date	Proposed Effective Date	Earliest Possible Effective Date³
Big Sandy RECC ⁴	April 15, 2009	May 9, 2009	May 15, 2009
Blue Grass Energy	April 6, 2009	May 3, 2009	May 6, 2009
Clark Energy	April 8, 2009	April 8, 2009	May 8, 2009
Cumberland Valley	April 3, 2009	April 8, 2009	May 3, 2009
Duke Energy Kentucky	April 3, 2009	None Stated	May 3, 2009
Farmers RECC	April 8, 2009	April 8, 2009	May 8, 2009
Fleming-Mason Energy ⁵	March 27, 2009	April 1, 2009	April 26, 2009
Grayson RECC	April 15, 2009	May 1, 2009	May 15, 2009
Inter-County Energy	April 3, 2009	April 1, 2009	May 3, 2009
Jackson Energy	April 6, 2009	April 8, 2009	May 6, 2009
Jackson Purchase Energy	April 8, 2009	April 8, 2009	May 8, 2009
Kenergy Corp.	April 1, 2009	April 30, 2009	May 1, 2009
Kentucky Power Company	April 7, 2009	April 7, 2009	May 7, 2009
Kentucky Utilities Co.	April 8, 2009	April 28, 2009	May 8, 2009
Louisville Gas and Electric Co.	April 8, 2009	April 28, 2009	May 8, 2009
Licking Valley RECC	April 21, 2009	July 15, 2008	May 21, 2009
Meade County RECC	April 8, 2009	May 8, 2009	May 8, 2009
Nolin RECC	April 8, 2009	April 8, 2009	May 8, 2009

² The jurisdictional electric utilities' proposed net metering tariffs can be accessed on the Commission's website at <http://psc.ky.gov/pscscf/2008%20cases/2008-00169/>.

³ Pursuant to KRS 278.180(1), the "earliest possible effective date" is 30 days after the filing date.

⁴ Big Sandy initially filed its proposed net metering tariff on March 31, 2009, with a proposed effective date of April 8, 2009. Big Sandy subsequently submitted a revision to its proposed net metering tariff on April 15, 2009, with a proposed effective date of May 9, 2009.

⁵ Although Fleming-Mason Energy received a letter from the Commission's Tariff Division accepting its revised net metering tariff on April 1, 2009, Fleming-Mason failed to comply with the 30-day notice requirement of KRS 278.180(1). Accordingly, Fleming-Mason's tariff will be suspended as noted herein.

Owen Electric	March 31, 2009	April 3, 2009	April 30, 2009
Salt River Electric	April 3, 2009	April 8, 2009	May 3, 2009
Shelby Energy	April 7, 2009	April 8, 2009	May 7, 2009
South Kentucky RECC	April 8, 2009	April 8, 2009	May 8, 2009
Taylor County RECC	April 9, 2009	May 1, 2009	May 9, 2009

Except for Blue Grass Energy and Duke Energy Kentucky, each jurisdictional utility's tariff failed to meet the 30-day notice requirements set forth in KRS 278.180(1) and 807 KAR 5:001, Section 10(1)(a)(7). Based on the date each jurisdictional electric utility's tariff was filed and the 30-day notice requirement, the Commission finds that the earliest possible effective date for each of the proposed net metering tariffs would be the date shown in the Statutory Effective Date column in the above table.

In keeping with the collaborative process established for this case, the Commission will suspend the proposed tariffs to allow sufficient time for their review by Commission Staff and intervening parties. Pursuant to KRS 278.190(2), the Commission will suspend each of the proposed tariffs for five months through the dates shown below.

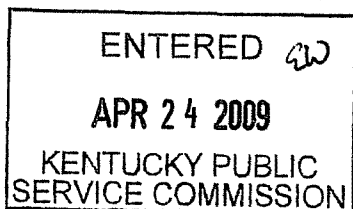
Utility	Tariff Suspended Through
Big Sandy RECC	September 29, 2009
Blue Grass Energy	October 2, 2009
Clark Energy	October 7, 2009
Cumberland Valley	October 2, 2009
Duke Energy Kentucky	October 2, 2009
Farmers RECC	October 7, 2009
Fleming-Mason Energy	September 25, 2009
Grayson RECC	October 14, 2009
Inter-County Energy	October 2, 2009
Jackson Energy	October 5, 2009
Jackson Purchase Energy	October 7, 2009
Kenergy Corp.	September 30, 2009
Kentucky Power Company	October 6, 2009
Kentucky Utilities Company	October 7, 2009
Louisville Gas and Electric Company	October 7, 2009
Licking Valley RECC	October 20, 2009

Meade County RECC	October 7, 2009
Nolin RECC	October 7, 2009
Owen Electric	September 29, 2009
Salt River Electric	October 2, 2009
Shelby Energy	October 5, 2009
South Kentucky RECC	October 7, 2009
Taylor County RECC	October 8, 2009

The Commission will also allow the parties to this administrative case 30 days to review and file comments on the proposed tariffs and 10 days to file any response comment. Although the proposed net metering tariffs are being suspended for five months, the Commission will make every effort to complete the review and processing of these tariffs within the next 60 days.

IT IS THEREFORE ORDERED that:

1. The effective dates for the proposed net metering tariffs of the jurisdictional electric utilities are the dates shown in Table 1 of this Order.
2. Each jurisdictional electric utility's proposed net metering tariff is suspended through the date shown in Table 2 of this Order.
3. The parties shall file comments, if any, no later than 30 days from the date of this Order and response comments, if any, 10 days thereafter.
4. Nothing in this Order shall prevent the Commission from entering further Orders in this matter.



By the Commission

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