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PUBLIC SERVICE  
COMMISSION

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May 20, 2013

**Re: CONSIDERATION OF THE IMPLEMENTATION OF SMART  
GRID AND SMART METER TECHNOLOGIES  
Case No. 2012-00428**

Dear Mr. DeRouen:

Enclosed please find and accept for filing the original and fourteen copies of the Joint Comments of Atmos Energy Corporation, Attorney General of the Commonwealth of Kentucky by and through his office of Rate Intervention, Big Rivers Electric Corporation, Big Sandy Rural Electric Cooperative Corporation, Blue Grass Energy Cooperative Corporation, Clark Energy Cooperative, Inc., Columbia Gas of Kentucky, Inc., Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc., Cumberland Valley Electric, Delta Natural Gas Company, Inc., Duke Energy Kentucky, Inc., East Kentucky Power Cooperative, Inc., Farmers Rural Electric Cooperative Corporation, Fleming-Mason Energy Cooperative, Grayson Rural Electric Cooperative Corporation, Inter-County Energy Cooperative Corporation, Jackson Energy Cooperative Corporation, Jackson Purchase Energy Corporation, Kenergy Corp., Kentucky Power Company, Kentucky Utilities Company, Licking Valley Rural Electric Cooperative Corporation, Louisville Gas and Electric Company, Meade County Rural Electric Cooperative Corporation, Nolin Rural Electric Cooperative Corporation, Owen Electric Cooperative, Inc., Salt River Electric Cooperative Corporation, Shelby Energy Cooperative, Inc., South Kentucky Rural Electric Cooperative Corporation, and Taylor County Rural Electric Cooperative Corporation

Mr. Jeff DeRouen  
May 20, 2013

Should you have any questions please contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Rick E. Lovekamp". The signature is written in a cursive style with a large, stylized initial "R".

Rick E. Lovekamp

c: Parties of Record

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>CONSIDERATION OF THE</b>	)	
<b>IMPLEMENTATION OF SMART GRID AND</b>	)	<b>CASE NO. 2012-00428</b>
<b>SMART METER TECHNOLOGIES</b>	)	

**JOINT COMMENTS OF**  
**ATMOS ENERGY CORPORATION, ATTORNEY GENERAL OF THE**  
**COMMONWEALTH OF KENTUCKY BY AND THROUGH HIS OFFICE OF RATE**  
**INTERVENTION, BIG RIVERS ELECTRIC CORPORATION, BIG SANDY RURAL**  
**ELECTRIC COOPERATIVE CORPORATION, BLUE GRASS ENERGY**  
**COOPERATIVE CORPORATION, CLARK ENERGY COOPERATIVE, INC.,**  
**COLUMBIA GAS OF KENTUCKY, INC., COMMUNITY ACTION COUNCIL FOR**  
**LEXINGTON-FAYETTE, BOURBON, HARRISON AND NICHOLAS COUNTIES, INC.,**  
**CUMBERLAND VALLEY ELECTRIC, DELTA NATURAL GAS COMPANY, INC.,**  
**DUKE ENERGY KENTUCKY, INC., EAST KENTUCKY POWER COOPERATIVE,**  
**INC., FARMERS RURAL ELECTRIC COOPERATIVE CORPORATION, FLEMING-**  
**MASON ENERGY COOPERATIVE, GRAYSON RURAL ELECTRIC COOPERATIVE**  
**CORPORATION, INTER-COUNTY ENERGY COOPERATIVE CORPORATION,**  
**JACKSON ENERGY COOPERATIVE CORPORATION, JACKSON PURCHASE**  
**ENERGY CORPORATION, KENERGY CORP., KENTUCKY POWER COMPANY,**  
**KENTUCKY UTILITIES COMPANY, LICKING VALLEY RURAL ELECTRIC**  
**COOPERATIVE CORPORATION, LOUISVILLE GAS AND ELECTRIC COMPANY,**  
**MEADE COUNTY RURAL ELECTRIC COOPERATIVE CORPORATION, NOLIN**  
**RURAL ELECTRIC COOPERATIVE CORPORATION, OWEN ELECTRIC**  
**COOPERATIVE, INC., SALT RIVER ELECTRIC COOPERATIVE CORPORATION,**  
**SHELBY ENERGY COOPERATIVE, INC., SOUTH KENTUCKY RURAL ELECTRIC**  
**COOPERATIVE CORPORATION, AND TAYLOR COUNTY RURAL ELECTRIC**  
**COOPERATIVE CORPORATION**

**Filed: May 20, 2013**

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## **I. Introduction**

Atmos Energy Corporation (“Atmos”), Attorney General of the Commonwealth of Kentucky by and through His Office of Rate Intervention (“AG”), Big Rivers Electric Corporation (“Big Rivers”) and its member systems: Jackson Purchase Energy Corporation (“JPEC”), Kenergy Corp. (“Kenergy”), and Meade County Rural Electric Cooperative Corporation (“Meade County RECC”), Columbia Gas of Kentucky, Inc. (“Columbia”), Delta Natural Gas Company, Inc. (“Delta”), Duke Energy Kentucky, Inc. (“Duke Kentucky”), East Kentucky Power Cooperative, Inc. (“EKPC”) and its member systems: Big Sandy Rural Electric Cooperative Corporation, Blue Grass Energy Cooperative Corporation, Clark Energy Cooperative, Inc., Cumberland Valley Electric, Farmers Rural Electric Cooperative Corporation, Fleming-Mason Energy Cooperative, Grayson Rural Electric Cooperative Corporation, Inter-County Energy Cooperative Corporation, Jackson Energy Cooperative Corporation, Licking Valley Rural Electric Cooperative Corporation, Nolin Rural Electric Cooperative Corporation, Owen Electric Cooperative, Inc., Salt River Electric Cooperative Corporation, Shelby Energy Cooperative, Inc., South Kentucky Rural Electric Cooperative Corporation and Taylor County Rural Electric Cooperative Corporation, Kentucky Power Company (“Kentucky Power”), Kentucky Utilities Company (“KU”), Louisville Gas and Electric Company (“LG&E”), (collectively, the “Joint Parties”) and Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc. (“CAC”) (CAC joins these comments only for the purposes of Section IV) offer these Joint Comments in accordance with the procedural schedule set out in the Commission’s October 1, 2012 Order establishing this proceeding, as well as the discussion among Vice Chairman Gardner, Commission Staff, and the Joint Parties during the Informal Conference held at the Commission on April 19, 2013.

The Joint Parties appreciate the opportunity to revisit proposed Energy Independence and Security Act of 2007 (“EISA”) Smart Grid Information and Investment Standards in this proceeding, as well as to initiate a new collaborative effort to investigate potential areas of agreement concerning smart-technology issues. The issues smart technologies present can be daunting, and the Joint Parties look forward to working together to discuss and report to the Commission on a number of important issues concerning smart technology.

On two items, though, the Joint Parties already have a unanimous view: the Commission should not adopt the EISA 2007 Smart Grid Investment Standard or the EISA 2007 Smart Grid Information Standard. This is not because the Joint Parties oppose using smart technologies; indeed, many of Kentucky’s utilities have already deployed smart technologies in a variety of economical ways. But as the Joint Parties explain further below, the proposed standards are variously redundant or potentially counterproductive, and the Commission should not adopt them. Given the diversity of constituencies and interests the Joint Parties represent, their unanimous view opposing the proposed standards is particularly significant.

The Joint Parties further recommend the following topics to investigate collaboratively to seek potential consensus in the smart-technology area: customer privacy, opt-out provisions, cyber-security, customer education (including health-related education), dynamic pricing, AMR and AMI deployment (including prepaid meters and remote disconnections), cost recovery for smart-technology deployments, and how natural gas companies might participate in the electric smart grid. The Joint Parties propose to produce a report for the Commission concerning these topics by June 30, 2014, at which point the Joint Parties’ Collaborative would end. Therefore, the Joint Parties respectfully ask the Commission to issue an order by July 15, 2013, that (1) declines to adopt or impose in any form the EISA 2007 Smart Grid Information and Investment

Standards and (2) approves the proposed topics and procedural schedule for the Joint Parties' Collaborative.

**II. The Joint Parties Unanimously Agree the Commission Should Not Adopt the EISA 2007 Smart Grid Information Standard**

The Joint Parties unanimously oppose adopting the EISA 2007 Smart Grid Information Standard on the ground that it could require utilities to make uneconomical investments. The standard would require utilities to provide customers direct access to a wide array of data, apparently without regard for the costs or benefits of providing the data:

- Prices: Purchasers and other interested persons shall be provided with information on time-based electricity prices in the wholesale electricity market, and time-based electricity retail prices or rates that are available to the consumers.
- Usage: Purchasers shall be provided with the number of electricity units, expressed in kWh, purchased by them.
- Intervals and Projections: Updates of information on prices and usage shall be offered on a daily basis, shall include hourly price and use information, where available, and shall include a day-ahead projection of such price information to the extent available.
- Sources: Purchasers and other interested persons shall be provided annually with written information on the sources of the power provided by the utility, to the extent that it can be determined, by type of generation, including greenhouse gas emissions associated with each type of generation, for intervals during which such information is available on a cost-effective basis.
- Customer data: Customers shall be able to access their own information at any time through the internet and by other means of communication elected by the electric utility for smart grid applications. Other interested persons shall be able to access information not specific to any customer

through the Internet. Customer-specific information shall be provided solely to that customer.<sup>1</sup>

The current offering of time-based or time-of-use pricing options is limited to voluntary pilot programs and such pricing options have not yet been widely adopted in Kentucky. As a result, the Joint Parties believe there is no need to require utilities to provide the extensive pricing, interval, and projection information the EISA 2007 Smart Grid Information Standard requires. The EISA 2007 Smart Grid Information Standard takes no account of the economics of serving the different customers and service territories in Kentucky; rather, it would impose a one-size-fits-all requirement that all utilities provide their customers the same kinds of information in presumably similar, if not identical, ways. Such a standard would almost certainly require some, if not all, utilities to make currently uneconomical investments in customer-facing information technology.

Instead, the Joint Parties recommend that the Commission continue to use its existing review processes and authority to ensure utilities are providing customers the information they need in economical ways. That will allow the Commission's review of information provision to customers to recognize each utility's unique characteristics, including the unique costs and benefits of providing certain kinds of information in certain ways to each utility's customers.

### **III. The Joint Parties Unanimously Agree the Commission Should Not Adopt the EISA 2007 Smart Grid Investment Standard**

The Joint Parties unanimously oppose adopting the EISA 2007 Smart Grid Investment Standard on the grounds that it would be largely redundant while potentially stifling useful

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<sup>1</sup> *In the Matter of: Consideration of the Implementation of Smart Grid and Smart Meter Technologies*, Case No. 2012-00428, Order at 5 (Oct. 1, 2012).



innovation in smart-technology proposals, including potential cost-recovery methods. The standard would require as follows:

Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified Smart Grid system based on appropriate factors, including:

- total costs;
- cost-effectiveness;
- improved reliability;
- security;
- system performance; and
- societal benefit.

The EISA 2007 Smart Grid Investment Standard also requires each state to consider rate recovery of Smart Grid capital expenditures, operating expenses, and other costs related to the deployment of smart grid technology, including a reasonable return on the capital expenditures. As part of the rate recovery consideration, each state is to also consider recovery of the remaining book-value of obsolete equipment associated with smart grid deployment.<sup>2</sup>

The Joint Parties unanimously support using cost-benefit analysis for all utility investment proposals presented to the Commission. But because the Commission already has the ability and duty to review the costs and benefits of utility proposals, the proposed standard is unnecessary; moreover, intervention by advocates such as the Attorney General already helps ensure the thorough review of utility proposals. In addition to being largely redundant, the proposed standard may inhibit useful innovation to the extent it introduces constraints on what can be considered when utilities make smart-grid-related proposals, including constraints on costs and

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<sup>2</sup> *Id.* at 4.

benefits to consider, as well as cost-recovery methods. Therefore, the Joint Parties respectfully recommend that the Commission decline to adopt the EISA 2007 Smart Grid Investment Standard in favor of continuing to use its existing authority to review utility proposals to ensure they are cost-effective and that each utility's means of cost recovery is appropriate on a case-by-case basis.

As noted previously in these Joint Comments, the Joint Parties do not oppose the economical use of smart technologies. But the Joint Parties do oppose mandatory standards that could stifle innovation or otherwise curtail each utility's ability to implement what is most economical and sensible for its customers and service territory; that is why the Joint Parties oppose the EISA 2007 Smart Grid Investment Standard.

#### **IV. The Joint Parties' Collaborative Will Address Specific Smart-Technology-Related Issues Pertinent to Jurisdictional Utilities**

The Joint Parties believe it would be helpful to themselves and the Commission for the Joint Parties to engage in a collaborative process to investigate and analyze areas where similarities between utilities and agreement among the Joint Parties may exist concerning smart technology.<sup>3</sup> The Joint Parties propose to address the following topics in their collaborative effort: customer privacy, opt-out provisions, cyber-security, customer education (including health-related education), dynamic pricing, AMR and AMI deployment (including prepaid meters and remote disconnections), cost recovery for smart-technology deployments, and how natural gas companies might participate in the electric smart grid. The Joint Parties recognize

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<sup>3</sup> Because Atmos, Columbia, and Delta provide only gas service, they join only this section of the Joint Comments. Further, Columbia believes that the AMR devices it deploys are not part of the definition of "smart technologies" as used in this proceeding. Also, CAC plans to participate in the Collaborative and joins only Section IV of these Joint Comments.

that they separately addressed a number of these topics in Case No. 2008-00408 and in this proceeding, but they believe it will be productive to work together on these issues to try to achieve consensus where possible. At this point, the Joint Parties do not anticipate being able to reach the same level of consensus on each issue, so the level of detail and kinds of recommendations the Joint Parties' report will contain will likely vary from issue to issue. But the Joint Parties commit to approach these topics afresh and to discuss them in good faith to reach consensus to the greatest reasonable extent, and to provide useful information and recommendations to the Commission in their final report.

Because it will require significant time and effort from all of the Joint Parties to discuss the proposed topics, the Joint Parties propose to limit their discussions to the proposed topics to ensure they can produce a report for the Commission in a reasonable time. More specifically, the Joint Parties propose to meet eight times to discuss these issues over the course of a year, and thereafter to present a report of recommendations to the Commission by June 30, 2014, which would conclude the Joint Parties' Collaborative. The Joint Parties propose to use the July 23, 2013 informal conference in this proceeding as a scheduling and coordination meeting to establish dates for the eight topic-specific meetings in 2013 and 2014, and to discuss a schedule for drafting the report to the Commission. The Joint Parties invite the Commission Staff to participate in all Collaborative meetings.

As part of their Collaborative, the Joint Parties further propose to arrange the events for the Commissioners and Commission Staff discussed at the April 19, 2013 informal conference, namely an Envision Center tour, an equipment and software viewing, and presentations by EPRI and/or the Cooperative Research Network. The Joint Parties have discussed these events and propose the following dates from which the Commission may choose:

Envision Center tour, including viewing some equipment and software typically used in smart grid and meter deployments at the adjoining KEMA Laboratory: August 13, 14, 15, 20, 21, or 22, 2013. If these date options are not conducive to the Commission's schedule, the Joint Parties are open to consider other dates, subject to the availability of the Envision Center.

EPRI and/or Cooperative Research Network presentations at the Commission – to be determined.

**V. Conclusion and Request for Order**

The Joint Parties appreciate the opportunity to offer their perspective on the proposed EISA 2007 Smart Grid Information and Investment Standards, as well as to propose a schedule and agenda for the Joint Parties' new collaborative process. As the Commission is aware, the Joint Parties represent a variety of interests and constituencies with sometimes divergent views; therefore, it is noteworthy that the Joint Parties unanimously recommend against the Commission's adopting either of the EISA standards. In lieu of federally proposed standards that may prove to be counterproductive in Kentucky, the Joint Parties will investigate and report to the Commission concerning areas of possible broad agreement.

Therefore, the Joint Parties respectfully ask the Commission to issue an order by July 15, 2013, that:

1. Declines to adopt or impose in any form the EISA 2007 Smart Grid Information Standard;
2. Declines to adopt or impose in any form the EISA 2007 Smart Grid Investment Standard;
3. Approves the following topics for the Joint Parties' Collaborative to address: customer privacy, opt-out provisions, cyber-security, customer education (including health-related education), dynamic pricing, AMR and AMI deployment (including prepaid meters and remote disconnections), cost recovery for smart-

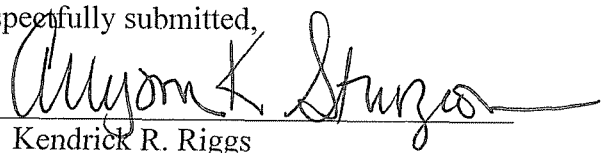
technology deployments, and how natural gas companies might participate in the electric smart grid; and

4. Approves the following procedural schedule for the Joint Parties' Collaborative:
  - Organizational meeting at the Commission: July 23, 2013
  - Envision Center tour, including viewing some equipment and software typically used in smart grid and meter deployments at the adjoining KEMA Laboratory: August 13, 14, 15, 20, 21, or 22, 2013. If these date options are not conducive to the Commission's schedule, the Joint Parties are open to consider other dates, subject to the availability of the Envision Center.
  - EPRI and/or Cooperative Research Network presentations at the Commission – to be determined.
  - Report by Joint Parties' Collaborative due to Commission: June 30, 2014

Dated: May 20, 2013

Respectfully submitted,

By:

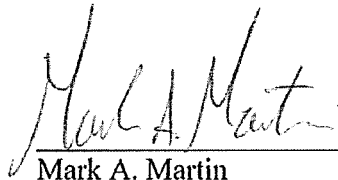


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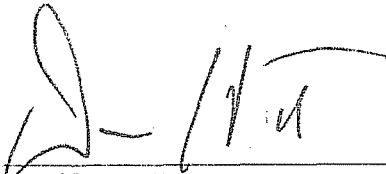
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*TK*

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A handwritten signature in cursive script that reads "Howard Downing". The signature is written in black ink and is positioned above a horizontal line.

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**Attorney For**

**Cumberland Valley Electric, Inc.**

*Robert M. Watt III*

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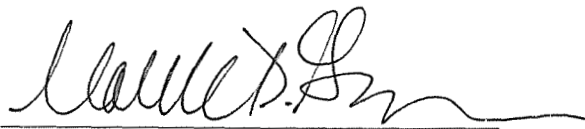


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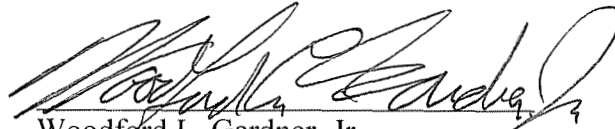
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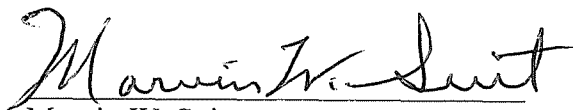
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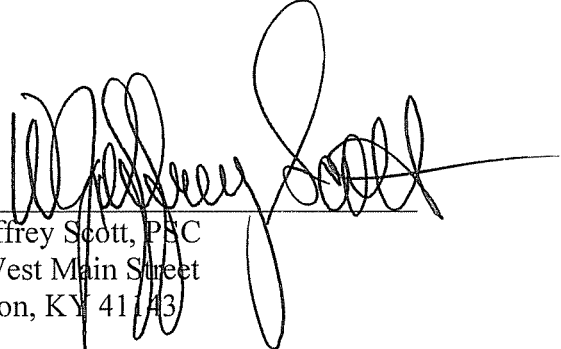
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A handwritten signature in black ink, reading "Marvin W. Suit". The signature is written in a cursive style with a horizontal line underneath the name.

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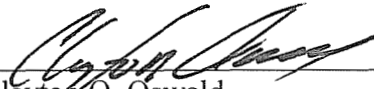


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Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Clayton O. Oswald", written over a horizontal line.

Clayton O. Oswald

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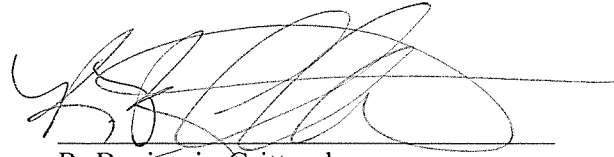
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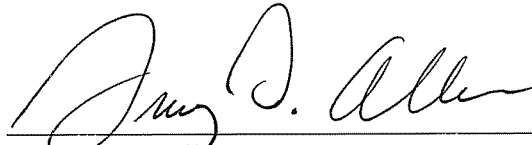
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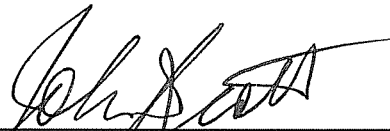
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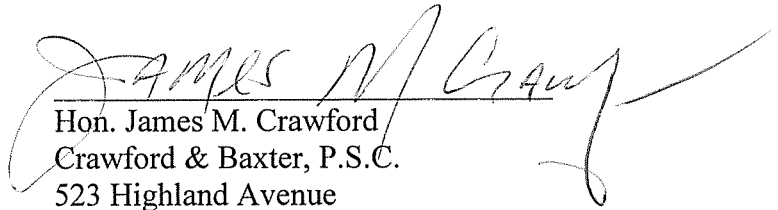
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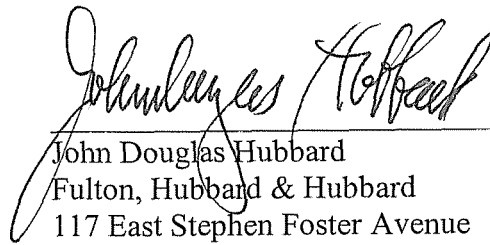
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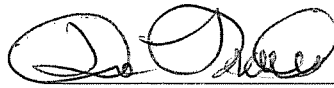
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A handwritten signature in cursive script, reading "John Douglas Hubbard". The signature is written in black ink and is positioned above a horizontal line.

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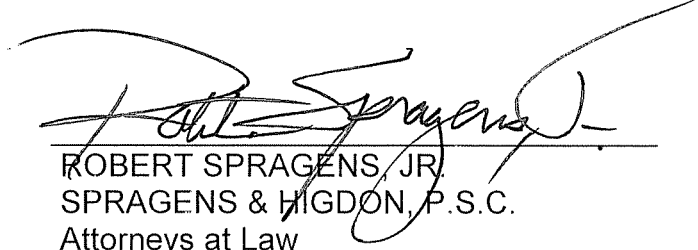
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*Counsel for Shelby Energy Cooperative, Inc.}*

A handwritten signature in black ink, appearing to read "R. Spragens, Jr.", is written over a horizontal line.

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Electric Cooperative Corporation**

## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above and foregoing Joint Comments was served upon the following individuals by first class United States mail, postage prepaid, on the 20th day of May 2013:

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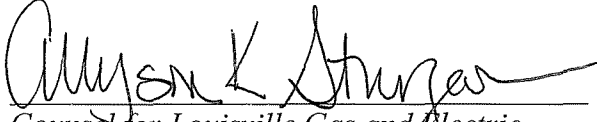
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