



Complainant tendered his *Formal Complaint* on April 23, 2021. The Commission, thereafter, issued orders addressing Kentucky Power Company's net metering service proposal in Case No. 2020-00174 as well as a June 30, 2021 Order addressing Defendant's net metering service proposal in Case No. 2020-00350. The facts are that (1) there was no administrative agency precedent at the time the *Formal Complaint* was tendered (over two (2) months prior to the relevant Order identified by Defendant) and (2) Complainant was entitled to pursue protection of his rights through tendering the *Formal Complaint*, particularly since Defendant took antagonistic positions on the effect of an application for net metering service upon the effective date of legacy rights.

Complainant, upon review of the pertinent orders of the Commission entered after his filing of the underlying request for relief, states that the subsequent precedent renders his *Formal Complaint* in part moot and in part unripe. Accordingly, and in lieu of a request for the matter to be held in abeyance, Complainant agrees with a result sought by Defendant, namely dismissal. Complainant however requests that the dismissal be without prejudice.

WHEREFORE, Complainant responds that he has no objection to a dismissal of the instant case without prejudice.

Respectfully submitted,

/s/ David E. Spenard

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**NOTICE AND CERTIFICATION FOR FILING**

In its July 2, 2021 Order, the Commission directed the parties to the March 16, 2020 and March 24, 2020 Orders in Case No. 2020-000851 regarding the filing of physical documents with the Commission. In the March 16, 2020 Order, the Commission stated that if a nonelectronic case is not converted to an electronic case, the Commission will grant a deviation from the filing requirements 807 KAR 5:001, Section 7(1), insofar that a filer may file one original document with no copies, or send an electronic mail message with an electronic copy of the document to the Commission and to parties to the matter. Undersigned counsel files this paper through electronic mail message to PSCED@ky.gov, with the case number in the subject line of the message. Pursuant to the Commission's March 16, 2020, and March 24, 2020, Orders in Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus Covid-19*, the pleading, in paper medium, will be filed at the Commission's offices within 30 days of the lifting of the state of emergency.

/s/ David E. Spenard  
David E. Spenard

**CERTIFICATE OF SERVICE**

In accordance with 807 KAR 5:001, Section 8, I certify that a true and accurate copy of this document was served by electronic mail this 15<sup>th</sup> day of July 2021 upon Kendrick Riggs at Kendrick.riggs@skofirm.com and Allyson Sturgeon at Allyson.sturgeon@lge-ku.com.

/s/ David. E. Spenard  
David E. Spenard