

**From:** [PSC Public Comment](#)  
**To:** [REDACTED]  
**Subject:** RE: Comment re: Case 2022-00030 in Support of Saylor complaint  
**Date:** Friday, March 25, 2022 1:08:00 PM

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Case No. 2022-00030

Thank you for your comments on the case regarding Alfred Saylor v. Kentucky Utilities Company. Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2022-00030, in any further correspondence. The documents in this case are available at [View Case Filings for: 2022-00030 \(ky.gov\)](#).

Thank you for your interest in this matter.

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**From:** andrew mcdonald [REDACTED]  
**Sent:** Friday, March 11, 2022 10:22 AM  
**To:** PSC Public Comment <PSC.Comment@ky.gov>  
**Subject:** Comment re: Case 2022-00030 in Support of Saylor complaint

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Dear Commission,  
Please find attached a letter on behalf of the Kentucky Solar Energy Society in support of Mr. Alfred Saylor's complaint against KU in Case No 2022-00030.

My residential address is: 7134 Owenton Rd., Frankfort, KY 40601

Sincerely,  
Andy McDonald

Andy McDonald, MSc, CEM  
Director, Apogee - Climate & Energy Transitions  
316 Wapping St., Rm. 204, Frankfort, Kentucky 40601

[REDACTED]

[REDACTED]

[REDACTED]

Andy McDonald, Director  
Apogee – Climate & Energy Transitions  
Member, Kentucky Solar Energy Society  
316 Wapping St., Rm. 204  
Frankfort, Kentucky 40601

To: Kentucky Public Service Commission

Re: Case No. 2022-00030, in support of complaint filed by Alfred Saylor vs. Kentucky Utilities

March 11, 2022

Dear Commissioners,

I am writing on behalf of the Kentucky Solar Energy Society (KYES) in support of a complaint submitted by Alfred Saylor against Kentucky Utilities Company (case no. 2022-00030), related to the implementation of its net metering tariff NMS-2. KYES is a non-profit membership organization whose mission is to promote the use of renewable energy resources, energy efficiency, and conservation in Kentucky through education, advocacy, networking, and demonstration of practical applications. I am a member of KYES, former Chair and Vice-chair of the organization, and have participated with the Joint Intervenors in the recent rate cases which have addressed changes to net metering (2020-00174, 2020-00349, and 2020-00350).

KYES joins with Mr. Saylor in requesting that the Commission:

- reject KU's use of instantaneous netting for NMS-2 customers;
- require KU to properly and lawfully implement the Orders from Case Nos. 2020-00349 with regard to the NMS-2 netting period;
- confirm that the Orders in Case Nos. 2020-00349 and 2020-00350 did not authorize instantaneous crediting or instantaneous netting;
- order KU to provide a full refund with interest to Mr. Saylor and all other NMS-2 customers for the amounts improperly billed to them by the utility through the implementation of the unlawful instantaneous billing methodology in their tariff NMS-2.

We ask that the same actions be taken for LG&E and their customers, since their rate cases and NMS-2 tariffs were processed simultaneously by the Commission, and LG&E is also unlawfully implementing instantaneous netting in the same manner as KU.

In its Order of September 24, 2021 in Cases 2020-00349 and 350 (p.47 of pdf), the Commission clearly rejected KU and LG&E's proposed instantaneous netting periods.

*“Based upon the evidence of record, the Commission finds that LG&E/KU’s proposed methodology for NMS 2 netting period is not fair, just and reasonable, and should be rejected. This is because LG&E/KU’s proposed instantaneous credit for all energy exported on to the grid is inconsistent with the plain language of KRS 278.465(4), which provides that “net metering means the difference between” the dollar value of all electricity generated by an eligible customer-generator that is exported to the grid over a billing period and the dollar value of all electricity consumed by the eligible customer generator over the same billing period.*

*“Consistent with our finding in Case No. 2020-00174 and KRS 278.465(4), the Commission finds that LG&E/KU should continue to net the total energy consumed and the total energy exported by eligible customer-generators over the billing period in NMS 2 consistent with the billing period netting period establishes in NMS 1. The Commission further finds that, because the energy charge is based upon electricity consumed, the energy charge and any riders that are based on a per kWh charge should be netted against energy exported pursuant to KRS 278.465(4).”*

The utilities clearly understood that the Commission had rejected their instantaneous netting approach, as evidenced by the fact that they appealed this specific provision of the Order to the Commission and to Circuit Court. In its Order responding to KU-LG&E’s request for re-hearing (November 4, 2021, p.11 of pdf), the Commission stated:

*Based upon the petition, responses, reply, and case record, and being otherwise sufficiently advised, the Commission finds that rehearing should be granted for the limited purpose of correcting an inadvertent omission on page 48 of the September 24, 2021 Order. The Commission finds that the first sentence in the second paragraph on page 48 of the September 24, 2021 Order should be stricken and replaced with the following:*

*“Consistent with our finding in Case No. 2020-00174 and KRS 278.465(4), the Commission finds that LG&E/KU should continue to net the dollar value of the total energy consumed and the dollar value of the total energy exported by eligible customer generators over the billing period in NMS 2 consistent with the billing period netting period established in NMS 1.”*

In this Order, the Commission did NOT state that it had changed its mind and decided to accept KU-LG&E’s instantaneous netting method. By stating that the handling of the billing periods should be “consistent with our finding in Case No. 2020-00174” and “the billing period netting period established in NMS 1,” the Commission is clearly communicating that it is upholding the monthly netting period established in its September 24 Order, because in both Case No. 2020-00174 and NMS 1, energy exports and consumption are netted on a monthly basis. The Commission explicitly rejected instantaneous netting for Kentucky Power Company in

Case No. 2020-00174, just as it did in KU-LG&E cases. To suddenly accept instantaneous netting would be a significant reversal, not a correction of an “inadvertent omission” and in no way consistent with the findings in the Kentucky Power case.

The fact that the utilities submitted a tariff for NMS-2 which was in clear violation of the Commission’s Orders, in full awareness that the tariff violated the Commission’s Orders, is very troubling. That the Commission approved this tariff is even more concerning. The rights of ratepayers and the public interest depend upon the Commission enforcing its Orders and holding utilities accountable to abide by them. If the Commission rejects Mr. Saylor’s complaint and allows KU-LG&E’s instantaneous netting method to stand, this would send a message that the Commission’s Orders can be bent to the utilities’ will, an ominous precedent for ratepayers.

I urge the Commission to uphold its Orders in Case Nos. 2020-00349 and 00350 and grant the relief that Mr. Saylor has requested in his complaint.

Sincerely,

Andy McDonald

On behalf of the Kentucky Solar Energy Society  
Board of Directors

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