

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF)	
AMENDMENTS TO THE PUBLIC UTILITY)	CASE NO.
REGULATORY POLICIES ACT OF 1978 AND)	2022-00370
DEMAND SIDE PRACTICES)	

ORDER

The Infrastructure Investment and Jobs Act (IIJA)¹ was signed into law on November 15, 2021. The IIJA, *inter alia*, amended Section 111(d) of the Public Utility Regulatory Policies Act of 1978² (PURPA). The amendments added the following standard:

(20) Demand-response practices

(A) In general

Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.

(B) Rate recovery

(i) In general

Each State regulatory authority shall consider establishing rate mechanisms allowing an electric utility with respect to which the State regulatory authority has ratemaking authority to timely recover the costs of promoting demand-response

¹ H.R. 3684, 117th Cong. (2021).

² 16 U.S.C. § 2621(d).

and demand flexibility practices in accordance with subparagraph (A).³

The Commission, under the PURPA amendments, must, “commence consideration . . . or set a hearing date for consideration, with respect to the standard established by [the PURPA amendments]”⁴ within one year of November 15, 2021. The Commission must complete its consideration and make a final determination as to the new standards established by the PURPA amendments no later than November 15, 2023.⁵

The amendments to PURPA do not specify the procedure that the Commission must follow in considering the standards established by the PURPA amendments. The Commission therefore finds as an initial matter it will first elicit comments from interested parties and that all Kentucky jurisdictional electric utilities will be made parties to this proceeding as it is possible that they may all be required to comply with any eventual Commission decision. The Commission further finds that the electric utilities shall file written comments that provide the following:

1. A report of existing measures used to promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.
2. Appropriate measures to promote greater the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.

³ 16 U.S.C. § 2621(d)(20).

⁴ 16 U.S.C. § 2622(b)(7)(A).

⁵ 16 U.S.C. § 2622(b)(7)(B).

The Commission also encourages interested stakeholders to participate, either by intervening or filing suggested guidelines or comments. A courtesy copy of this Order will be sent to groups that either are known to typically intervene in administrative cases or are known to have an interest.

IT IS THEREFORE ORDERED that:

1. This proceeding is opened to permit the Commission to consider the IJA amendments to PURPA.
2. All jurisdictional electric utilities are made parties to this proceeding.
3. All jurisdictional electric utilities shall file comments as directed by this Order no later December 16, 2022.
4. All requests for intervention shall be filed by November 18, 2022.
5. Comments from the public and interested parties shall be filed no later than December 16, 2022.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

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