

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY )	
KENTUCKY, INC. FOR AN ADJUSTMENT TO )	CASE NO.
RIDER NM RATES AND FOR TARIFF )	2023-00413
APPROVAL )	

ORDER

This matter arises upon the motion of the Kentucky Solar Industries Association, Inc. (KYSEIA), filed January 3, 2024, for full intervention. As a basis for its motion, KYSEIA stated that it has a special interest that is not otherwise adequately represented because KYSEIA represents both solar companies and its members who currently have or plan to utilize Duke Energy Kentucky, Inc.'s (Duke Kentucky) net metering tariff. KYSEIA will be participating in the proceeding through Matt Partymiller, president of KYSEIA, and two members of KYSEIA, Joseph Oka and Zach Wieber.

BACKGROUND

KYSEIA is a nonprofit in good standing with the Kentucky Secretary of State that advocates and provides information to solar companies and its members.<sup>1</sup> KYSEIA stated that it provides costs calculations based off Duke Kentucky's net metering tariff and their interconnection of systems.<sup>2</sup> KYSEIA stated that the rates will affect the members that take service under Duke's net metering tariff, as they either want to

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<sup>1</sup> KYSEIA's Motion to Intervene (filed Jan. 3, 2024) at 1-2.

<sup>2</sup> KYSEIA's Motion to Intervene at 1-2.

continue this service or set up new service.<sup>3</sup> KYSEIA argued that the customers receiving net metering service are differentiated from the interests of other customers who receive or will apply for service under other Duke Kentucky tariff provisions.<sup>4</sup> KYSEIA argued that it has a special interest in interconnection procedures and fees because it represents customer generators and the solar companies who assist customers with these procedures.<sup>5</sup>

### LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>6</sup>

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

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<sup>3</sup> KYSEIA's Motion to Intervene at 2.

<sup>4</sup> KYSEIA's Motion to Intervene at 2-3.

<sup>5</sup> KYSEIA's Motion to Intervene at 3.

<sup>6</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

## DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. KYSEIA will assist the Commission by bringing a unique customer perspective for future and current net metering customers.

Based on the above, the Commission finds that KYSEIA should be granted full rights of a party in this proceeding. The Commission directs KYSEIA to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>7</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. KYSEIA's motion to intervene is granted.
2. KYSEIA is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. KYSEIA shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. KYSEIA shall adhere to the procedural schedule set forth in the Commission's January 5, 2024 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, KYSEIA shall file a written statement with the Commission that:

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<sup>7</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

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PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

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