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February 23, 2024

**\*Via Electronic Filing**

Ms. Linda C. Bridwell, P.E.  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602

Re: *In the matter of Roger D. Shocklee, Complainant vs. Kenergy Corp - Case No. 2023-00421*

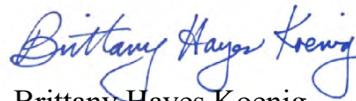
Dear Ms. Bridwell:

Enclosed, please find for filing, Kenergy Corp.'s Response to Complainant's Motion for Summary Disposition and Memorandum filed on February 16, 2024 in the above-styled case.

This is to certify that the electronic filing has been transmitted to the Commission on February 23, 2024 and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

  
Brittany Hayes Koenig

Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ROGER D. SHOCKLEE	COMPLAINANT	)	
		)	
V.		)	CASE NO.
		)	2023-00421
KENERGY CORP.		)	
	DEFENDANT	)	

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KENERGY CORP.'S VERIFIED RESPONSE TO  
COMPLAINANT'S MOTION FOR SUMMARY DISPOSITION AND  
MEMORANDUM FILED FEBRUARY 16, 2024

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Comes now Kenergy Corp. ("Kenergy or Company"), by counsel, and does hereby tender its Verified Response to the Motion for Summary Disposition and Memorandum filed by Mr. Roger D. Shocklee on or about February 16, 2024, respectfully stating as follows:

I. PROCEDURAL BACKGROUND

1. Mr. Roger D. Shocklee caused a Complaint to be filed in this matter on December 18, 2023.
2. On January 12, 2024, pursuant to the Commission's January 3, 2024 Order to Answer or Satisfy Mr. Shocklee's Complaint, Kenergy filed its Answer to Mr. Shocklee's Complaint.
3. Commission Staff entered information requests to Mr. Shocklee on February 2, 2024 and Mr. Shocklee filed his responses to those on February 15, 2024.
4. On February 16, 2024, Mr. Shocklee filed his Motion for Summary Disposition and Memorandum ("Motion").

5. Kenergy fully incorporates its Answer filed on January 12, 2024 into this Response, as it states the facts upon which Kenergy based its decision to reject Mr. Shocklee's Applications at issue in this matter.

6. Kenergy provides testimony from Robert Stumph and Scott Heath as Exhibits A and B to this Response to provide direct testimony on the issues presented by Complainant in his Motion.

7. Kenergy will address the arguments made by Mr. Shocklee in his Motion.

## **II. RESPONSE**

Before addressing the issues regarding Mr. Shocklee's application and denial, Kenergy first asserts there is no statutory, administrative, or Commission precedent allowing a motion for summary judgment in the formal complaint process. Mr. Shocklee argued that the Kentucky Rules of Civil Procedure can be applied to administrative proceedings, but a motion for summary judgment has not been ruled upon by the Commission in any formal complaints. Kenergy has not been given any substantive opportunity to respond to Mr. Shocklee's allegations other than the basic answer that was filed in response to the January 3, 2024 Order by the Commission.

Even though the Commission has no mechanism to rule upon a motion for summary judgment, Kenergy disputes many of the allegations made in the motion. However, there is no dispute that the Complainant is a member, with multiple service accounts, of Kenergy and that two applications were tendered for net-metering interconnection on behalf of Complainant. It is also not in dispute that Kenergy rejected the applications for net-metering interconnection. Complainant discussed the basis of the rejections with Kenergy's engineer, Scott Heath by phone on November 13, 2023, and the basis of the rejection was documented in the November 30, 2023, letter signed Vice-President, Engineering/Operations, Robert Stumph.

Mr. Shocklee's position appears to be that Kenergy was under an obligation to provide multiple reasons why his application for net-metering interconnection was rejected.<sup>1</sup> However, there is no requirement that Kenergy provide a written letter with the reasons for a denial of the application. , Kenergy has communicated with its member and applied the law and its tariff in good faith. There is also no obligation for Kenergy to continue to review the application and each of the requirements once Kenergy determines that the application does not meet one of the necessary requirements.

At the very least, there is a disagreement of law and fact over the definition of the use of "customer's premises" in KRS 278.465. Complainant's argument that the definition of "customer's premises" does not require property ownership fails because his proof is a dictionary definition of "customer premises" which is misquoted throughout the motion and ignores the use of the possessive form in the statute. There is no brightline rule or definition to indicate how Kenergy should apply the definition of "customer's premises," but, as the Complainant states, the plain language rule of common and everyday meanings should apply. Kenergy's plain language reading of "customer's premises" indicates the customer should own the property where the net-metering interconnection is planned.

Further, the Complainant uses a dictionary definition to define "premises" and does not address a dictionary definition of "customer's." The Complainant argues the definition of customer used in the administrative regulations generally should be applied, but does not address the actual use of the word "customer's" in the statute at issue. The Complainant also acknowledges there is an administrative regulation in 807 KAR 5:041 that touches on property ownership, but claims this should be inapplicable in the current case.

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<sup>1</sup> See Motion for Summary Disposition at 2.

So, at the end of a long and winding journey, “customer’s premises” is still not defined in KRS 278.465. Kenergy does not read "customer's premises" to include properties not owned by the applicant. The Complainant’s suggested definition would require utilities to make complicated determinations of leasing contract conditions and to interpret land use contracts that is not currently a requirement of net metering law. “Customer’s Premise’s” as used in KRS 278.465, and Kenergy’s Tariff Schedule 46 which mirrors the statute, means that a customer must own the property that the customer is requesting to establish interconnection upon since the possessive form of the customer’s is used. The Complainant incorrectly argues that requirement of ownership for the definition of of “customer’s premises” would nullify KRS 278.466(8), Kenergy believes the customer generator installation would transfer with the transfer of the property upon notification to the retail electric supplier. There is not a conflict between “other persons at the same premises” compared to “customer’s premises” meaning the customer owns the property. In the case of transferring property and the account changes, Kenergy’s policy is to request a copy of the deed and the applicable Tariff Schedule may change from Schedule 46 to Schedule 43.

Mr. Shocklee’s argument that Kenergy is estopped from denying the applications would still not be accepted even if he owned the premises is without merit. If this premise was accepted, Kenergy would lose the ability to assess and analyze net metering systems. The technical expertise and management of Kenergy’s electrical system would be taken out of the purview of the experts and qualified technicians and the application process would ultimately become gamesmanship. If Kenergy has misapplied its tariff, or is found to have misinterpreted the statute/tariff, the remedy should be to review the applications under the definitions decided upon by the Commission, and the other

requirements necessary for net-metering interconnection. When that process is applied, Mr. Shocklee's applications would still fail.

Kenergy's application for net-metering form was changed in November 2023. The proposed application change was not submitted to the Commission for approval, however filed simultaneously with this Response, Kenergy has given notice of the change and will use its previous application until the Commission approves the new application. Importantly, the changes in the application do not change the substantive requirements upon which the applications are reviewed, as delineated in Kenergy's tariff and KRS 278.465. The application format change highlights issues that have evolved as Kenergy has practically applied the requirements of the statute and its tariff, such as the issue of property ownership and applications that request more capacity than the statute allows. Additionally, Kenergy has instances of members adapting practices that attempt to circumvent the requirements of the statute and Kenergy's interpretation of the requirements requires that the capacity limits be observed for safety and good system management.

Complainant's claim that Kenergy seeks to "recharacterize its rejection" is irrelevant as there is no rule, regulation, or statute that Kenergy has violated by explaining why the net-metering applications were rejected. Kenergy notified Mr. Shocklee that his applications were rejected based upon the requirement that he own the property at issue. At that point, Mr. Shocklee could have cured that deficiency or discussed it further and he did state that he disagreed. Mr. Shocklee claims that Kenergy only rejected the applications at issue in Mr. Stumph's November 30, 2023 letter, however, that is not true, the applications were rejected over the phone, as is the case in most applications, and are discussed with account holders. After Mr. Shocklee's attorney requested a written letter, Kenergy provided the November 30, 2023 letter. Complainant's claims about the letter and whether the statute or the tariff are referred to in the letter are moot as there

are no requirements that Kenergy provide a written statement about rejecting an application and Mr. Shocklee's claims that Mr. Stumph has somehow changed his position is irrelevant.<sup>2</sup> The statute and tariff use the same language, standards, and requirements, therefore any reference to using one instead of the other is a useless exercise of futility.

When Kenergy was ordered to Answer or Satisfy Mr. Shocklee's Complaint, Kenergy explained its analysis in full. Kenergy, in good faith, explained alternatives policies that Kenergy has developed as it has gained experience with applications, similar to Mr. Shocklee's. Kenergy's Schedule 46 of its tariff mirrors the language of KRS 278.465, so when Mr. Stumph is discussing the definition of "customer's premises" there is only one definition that the Complainant and Kenergy disagree on. Further, Mr. Shocklee's claim that Kenergy somehow violated its review of Mr. Shocklee's applications because it found there was no need to review further after acknowledging that Mr. Shocklee did not own the property, is baseless. There is no statute, administrative regulation, or tariff provision that requires Kenergy to accept an application for net metering. Also, there is no statute, administrative regulation, or tariff provision that requires Kenergy to continue to review a net-metering application when it is rejected for failing the most basic requirement, ownership. Kenergy is the the expert on its system and clearly has a duty to operate its system safely in the best interests of its customers.

As an alternative, if the Commission finds that Mr. Shocklee, as the customer, owned the premises, the applications would still not be approved as filed. The proposed facility requires more capacity than is available as described in Kenergy's Tariff on Sheet 46C paragraph (1), which states that Kenergy will approve a Level 1 Interconnection System if the generating facility meets the following conditions:

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<sup>2</sup> MSD p10

"(1) For interconnection to a radial distribution circuit, the aggregated generation on the circuit, including the proposed generating facility, will not exceed 15% of the Line Section's most recent one hour peak load. A line section is the smallest part of the primary distribution system the generating facility could remain connected to after operation of any sectionalizing devices."

This is also referred to as the "15% rule" and is the subject of a separate pending case before the Commission, Case No. 2023-00309.<sup>3</sup> The "15%" rule, as well as the entirety of Tariff Sheet 46, are consumer protection rules and rules to manage consumption and use of capacity to maintain safe and reliable service.

In Case No. 2023-00309, Kenergy has requested a Declaratory Order regarding the interpretation of Tariff Sheets 46B and 46C, specifically Tariff Sheet 46C paragraph (1), the "15% rule." The issue in Case No. 2023-00309 involves Kenergy's definition of a "line section" in order to quantify the amount of aggregate generation on the circuit, including the proposed generation facility, and the treatment of installation of solar facilities that are not in compliance with Kenergy's interpretation of Tariff Sheet 46. Kenergy has applied to the Commission as a retail supplier of electric energy to ensure that its rural class members do not bear undue expense to pay for system upgrades that only benefit one member, and this issue, although tenuous to the issue of defining a "**customer's premises**," is related to the issues that Kenergy would address should Roger D. Shocklee cure the issue of premises ownership.

In other words, even if Mr. Shocklee owned the property, the applications require more capacity than is available on the circuit, even given the most liberal definition of "line section,"

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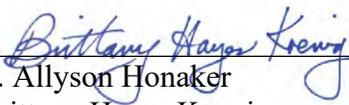
<sup>3</sup> Case 2023-00309, *Electronic Petition of Kenergy Corp. for a Declaratory Order*, (filed September 13, 2023).

as used in Tariff Sheet 46C paragraph (1). Mr. Shocklee proposes to use more power than is available and all of the power available on the relevant circuit for himself, and that circuit supplies over 400 other customers.

WHEREFORE, on the basis of the foregoing, Kenergy respectfully requests the Commission to deny Mr. Shocklee's Motion for Summary Disposition and hold that Kenergy's Corp.'s application of its tariff was correct, and dismiss the Complaint.

This 23rd day of February 2024.

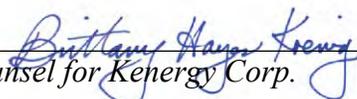
Respectfully submitted,

  
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*Counsel for Kenergy Corp.*

CERTIFICATE OF SERVICE

This is to certify that foregoing electronic filing was transmitted to the Commission on February 23, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of the filing will be made.

  
\_\_\_\_\_  
*Counsel for Kenergy Corp.*



## **EXHIBIT A**

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ROGER D. SHOCKLEE	COMPLAINANT	)	
		)	
V.		)	CASE NO.
		)	2023-00421
KENERGY CORP.		)	
	DEFENDANT	)	

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**EXHIBIT A TO KENERGY CORP.'S RESPONSE TO MOTION FOR SUMMARY  
DISPOSITION  
DIRECT TESTIMONY OF ROBERT STUMPH**

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Filed as of: February 23, 2024



**Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND OCCUPATION.**

A. Robert Stumph, 3111 Fairview Drive, Owensboro, Kentucky 42303. Vice President of Engineering.

**Q. PLEASE STATE YOUR EDUCATION AND PROFESSIONAL EXPERIENCE.**

A. University of Louisville, BSEE 1987. Over the last 33+ years, employed at Kenergy as Staff Engineer, Mgr. Planning/Design, Vice President of Engineering.

**Q. PLEASE PROVIDE A BRIEF DESCRIPTION OF YOUR DUTIES AT KENERGY CORP.**

A. I oversee the functions of the Engineering Department.

**Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION?**

A. Yes.

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

A. The purpose of my testimony is to explain the background of net metering policy at Kenergy Corp. and the decision-making process regarding the applications at issue in this proceeding.

**Q. PLEASE GIVE A BACKGROUND OF THE RELATIONSHIP BETWEEN KENERGY CORP. AND THE COMPLAINANT.**

A. Mr. Roger D. Shocklee has been a member of Kenergy since 1993, and has multiple service accounts.

**Q. PLEASE DESCRIBE THE EVENTS AS YOU RECALL THAT OCCURRED BETWEEN KENERGY CORP. AND THE COMPLAINANT.**

A. Two applications were tendered to Kenergy by Solar Energy Solutions LLC (SES) on November 9, 2023. Kenergy reviewed the two applications at issue in this matter and applied its Commission-approved tariff properly in furtherance of the applicable statutes and regulations relevant to this matter.

**Q. WHO OR WHAT DEPARTMENT IS IN CHARGE OF REVIEWING APPLICATIONS, LIKE THOSE AT ISSUE IN THIS MATTER AT KENERGY CORP.?**

A. Scott Heath, Technical Advisor.

**Q. ARE YOU MR. HEATH'S SUPERVISOR?**

A. Yes

**Q. DID YOU DISCUSS THESE APPLICATIONS WITH MR. HEATH?**

A. Yes

**Q. DID MR. HEATH CONTACT MR. SHOCKLEE TO DISCUSS THE APPLICATIONS IN THIS MATTER?**

A. Yes

**Q. IS THAT STANDARD PRACTICE FOR THE ENGINEER REVIEWING THE APPLICATION TO CONTACT THE CUSTOMER APPLYING FOR THE PROJECT?**

A. Yes, Mr. Heath, Kenergy's engineer reviewing applications contacted Roger D. Shocklee by telephone for the purpose of discussing the applications and the technical problems with the applications that would not meet the requirements for the applications to be approved.

**Q. WHAT PROMPTED YOU TO WRITE THE NOVEMBER 30, 2023 LETTER IN THE RECORD?**

A. Kenergy was contacted by the Complainant's lawyer and he requested that I provide Mr. Shocklee a written explanation of why his applications were rejected. So, I documented the rejections of the applications in Exhibit D to Roger D. Shocklee's Complaint.

**Q. IS IT KENERGY'S POLICY TO INQUIRE AS TO WHETHER THE APPLICANTS FOR NET METERING PROJECTS ARE THE OWNERS OF THE PROPERTY WHERE THE FACILITIES WILL BE INSTALLED?**

A. Yes.

**Q. IS IT A NEW POLICY TO DETERMINE WHETHER APPLICANTS ARE THE OWNERS OF THE PROPERTY WHERE NET METERING PROJECTS ARE TO BE INSTALLED AND EXPLAIN WHY KENERGY'S INTERPRETATION OF KRS 278.465 REQUIRES AN APPLICANT FOR NET METERING PROJECTS TO OWN THE PROPERTY UPON WHICH IT IS INSTALLING FACILITIES.**

A. No.

**Q. EXPLAIN HOW THE APPLICATION OF KENERGY'S TARIFF AND KRS 278.465 HAS EVOLVED AS KENERGY'S EXPERIENCE WITH NET METERING APPLICATION HAS INCREASED.**

A. Kenergy would take the word of the member in the past. Due to this matter and other recent concerns, we have begun to require documentation.

**Q. EXPLAIN THE POTENTIAL DAMAGES, SAFETY CONCERNS, AND CAPACITY ISSUES THAT KENERGY MANAGES WHEN REVIEWING NET METERING APPLICATIONS.**

A. It is my understanding that most net metering tariffs in the state were based upon a 2003 document from NARUC (The National Association of Regulatory Utility Commissioners).

This document established screening procedures that were designed to safeguard the utility's distribution line from harm due to distributed energy resources such as solar arrays. Solar arrays can have adverse effects on voltage regulation, such that the voltage will rise above the 126-volt limit at the transformer serving the solar meter. Other concerns are the effects that too much solar in a concentrated area will have on the distribution system. Issues could arise with reverse power flow on the system. Fuses could melt or coordination of reclosing devices may be compromised during light loading conditions. Lastly, a condition called islanding could cause a line to be energized, after protective devices have de-energized the line. Kenergy has not experienced any islanding cases to date.

**Q. EXPLAIN KENERGY'S INTERPRETATION OF THE USE OF "CUSTOMER'S PREMISES" IN KRS 278.465 AND IN KENERGY'S TARIFF THAT MIRRORS THE LANGUAGE OF THE STATUTE.**

A. It is Kenergy's understanding that "customer's premises" equates to property ownership.

**Q. EXPLAIN WHY, EVEN IF THE COMPLAINANT WERE CONSIDERED AN ELIGIBLE CUSTOMER-GENERATOR, THE APPLICATIONS AT ISSUE SHOULD BE DENIED APPLYING KENERGY'S TARIFF, SHEET 46C PARAGRAPH (1).**

A. Using the most lenient description of a "line section", there is not sufficient capacity on the feeder to allow for the solar array. The application would have to be modified to a lower amount of KW.

**Q. PLEASE EXPLAIN WHETHER OR NOT THE APPLICATIONS AT ISSUE INTERCONNECT THE PROPOSED GENERATING FACILITIES TO A RADIAL DISTRIBUTION CIRCUIT.**

- A. All of Kenergy's circuits are radial. We do not loop feed any of our circuits.
- Q. EXPLAIN WHY THE APPLICATIONS AT ISSUE WOULD FAIL DUE TO THE 15% RULE.**
- A. Based upon Kenergy's most recent annual peak load, there is only 42.5 KW capacity available. The applications, in total are for 76 KW AC. If, only one application was submitted, there would be sufficient capacity at present.
- Q. EXPLAIN THE CLARIFICATION SOUGHT IN CASE NO. 2023-00309, *ELECTRONIC PETITION OF KENERGY CORP. FOR A DECLARATORY ORDER, (FILED Sept. 13, 2023).* AND HOW KENERGY HAS APPLIED ITS INTERPRETATION OF THE DEFINITION OF 'LINE SECTION'.**
- A. It is my understanding that Kenergy's net metering tariff, like others across the state, have similar language regarding the definition of the term "line section". The definition is vague and ambiguous. Kenergy has used the most lenient interpretation by choosing the first span of wire out of the radial feeder as the line section. My goal in requesting a declaratory order was to get clarification.
- Q. EXPLAIN HOW KENERGY'S TARIFF, SHEET 46D PARAGRAPH (8), WHICH STATES "NO CONSTRUCTION OF FACILITIES BY KENERGY ON ITS OWN SYSTEM WILL BE REQUIRED TO ACCOMMODATE THE GENERATING FACILITY," DOES OR DOES NOT APPLY TO THE APPLICATIONS AT ISSUE HEREIN.**
- A. With only 42.5 KW of solar allowed, only one of the two applications could possibly be allowed. In that circumstance, no construction of facilities would be necessary.

**Q. EXPLAIN THE PRACTICAL CONCERNS THAT KENERGY HAS ABOUT CUSTOMERS THAT SEEK ADDITIONAL METERS BEYOND WHAT IS SUFFICIENT TO SUPPLY POWER TO FACILITIES ON THE PROPERTY.**

**A.** There are two issues. One, a member applying for two arrays, and then splitting their service into two meters, is circumventing the intent of the tariff, whereby 45KW has been established as the maximum array size. The second issue is that Schedule 46C, paragraph (2) states that a maximum of 20 KVA of solar arrays can be installed on a shared secondary. Our experience has been that members who want to install a second meter intend to install far more than 20 KVA of solar arrays.

**Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

**A.** Yes.

## **EXHIBIT B**

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ROGER D. SHOCKLEE	COMPLAINANT	)	
		)	
V.		)	CASE NO.
		)	2023-00421
KENERGY CORP.		)	
	DEFENDANT	)	

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**EXHIBIT B TO KENERGY CORP.'S RESPONSE TO MOTION FOR SUMMARY  
DISPOSITION - DIRECT TESTIMONY OF SCOTT HEATH**

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Filed as of: February 23, 2024



**Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND OCCUPATION.**

A. Scott Heath, 3111 Fairview Drive, Owensboro, Kentucky 42303.

**Q. PLEASE STATE YOUR EDUCATION AND PROFESSIONAL EXPERIENCE.**

A. Bachelor of Science in Chemistry | Kentucky Wesleyan 29 years utility experience.

**Q. PLEASE PROVIDE A BRIEF DESCRIPTION OF YOUR DUTIES AT KENERGY CORP..**

A. Energy / Technical Advisor directly responsible for managing net metering accounts.

**Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION?**

A. Yes

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

A. The purpose of my testimony in this proceeding is to explain the background of net metering policy at Kenergy and the decision-making process regarding the applications at issue in this proceeding.

**Q. PLEASE GIVE A BACKGROUND OF THE RELATIONSHIP BETWEEN KENERGY CORP. AND THE COMPLAINANT.**

A. Mr. Roger D. Shocklee has been a member of Kenergy since 1993, and has multiple service accounts.

**Q. PLEASE DESCRIBE THE EVENTS AS YOU RECALL THAT OCCURRED BETWEEN KENERGY CORP. AND THE COMPLAINANT.**

A. Two applications were tendered to Kenergy by Solar Energy Solutions LLC (SES) on November 9, 2023. Kenergy reviewed the two applications at issue in this matter and

applied its Commission-approved tariff properly in furtherance of the applicable statutes and regulations relevant to this matter.

The two applications tendered by SES were for two accounts in the name of Roger D. Shocklee. Once I reviewed the two applications, I communicated with Roger D. Shocklee by telephone on November 13, 2023 that the applications were rejected, even though SES was listed as the contact person for the applications.

**Q. WHY DID YOU CALL THE COMPLAINANT, ROGER D. SHOCKLEE, INSTEAD OF DISCUSSING THE APPLICATIONS AT ISSUE WITH SES?**

A. Kenergy's policy is not to discuss details of a member's account with anyone other than the account holder.

**Q. WHO OR WHAT DEPARTMENT IS IN CHARGE OF REVIEWING APPLICATIONS, LIKE THOSE AT ISSUE IN THIS MATTER AT KENERGY CORP.?**

A. The Engineering Department, specifically the Energy / Technical Advisor is directly responsible for reviewing the applications.

**Q. IS ROBERT STUMPH YOUR SUPERVISOR?**

A. Yes

**Q. DID YOU DISCUSS THESE APPLICATIONS WITH MR. STUMPH?**

A. Yes

**Q. DID YOU DISCUSS THE APPLICATIONS WITH ANYONE ELSE PRIOR TO CALLING MR. SHOCKLEE?**

A. No, It is Kenergy policy to only discuss matters with the customer of record unless given expressed permission by the customer.

**Q. HAS THAT ALWAYS BEEN KENERGY CORP.'S POLICY?**

A. As far as I know, that is a basic requirement, however, it is possible that projects in the past were not consistent. When this project was discussed and reviewed, the Kenergy team discussed the tariff language and the statute language. Kenergy initially called Roger D. Shocklee to discuss the technical problems with the applications at issue, however, when Mr. Shocklee confirmed that he did not own the property where the applications proposed to build facilities, I explained that the applications would be rejected because he did not own the property and that is a requirement as set forth in Kenergy's Commission-approved tariff, and KRS 278.465.

**Q. CAN YOU DESCRIBE THE PROCESS OF REVIEW FOR APPLICATION LIKE THOSE AT ISSUE IN THIS MATTER?**

A. Kenergy's policy is such that the engineer reviewing applications of this type, will contact the account holder to discuss an application if the application does not meet requirements to be approved.

**Q. IS IT KENERGY'S POLICY TO INQUIRE AS TO WHETHER THE APPLICANTS FOR NET METERING PROJECTS ARE THE OWNERS OF THE PROPERTY WHERE THE FACILITIES WILL BE INSTALLED?**

A. Yes

**Q. IS IT A NEW POLICY TO DETERMINE WHETHER APPLICANTS ARE THE OWNERS OF THE PROPERTY WHERE NET METERING PROJECTS ARE TO BE INSTALLED AND EXPLAIN WHY KENERGY'S INTERPRETATION OF**

**KRS 278.465 REQUIRES AN APPLICANT FOR NET METERING PROJECTS TO OWN THE PROPERTY UPON WHICH IT IS INSTALLING FACILITIES.**

**A. No**

**Q. EXPLAIN HOW APPLYING KENERGY'S TARIFF AND KRS 278.465 HAS EVOLVED AS KENERGY'S EXPERIENCE WITH NET METERING APPLICATION HAS INCREASED.**

**A.** Kenergy, in the past, has simply taken the word of the customer as to the ownership of the property in question, however Kenergy has recently required documentation.

**Q. EXPLAIN THE POTENTIAL DAMAGES, SAFETY CONCERNS, AND CAPACITY ISSUES THAT KENERGY MANAGES WHEN REVIEWING NET METERING APPLICATIONS.**

**A.** Saturation of solar in one particular area can lead to high voltage conditions for nearby customers and damage to safety devices located on the distribution system which directly impact grid reliability. The tariff was designed to help mitigate these situations.

**Q. EXPLAIN WHY, EVEN IF THE COMPLAINANT WERE CONSIDERED AN ELIGIBLE CUSTOMER-GENERATOR, THE APPLICATIONS AT ISSUE SHOULD BE DENIED APPLYING KENERGY'S TARIFF, SHEET 46C PARAGRAPH (1).**

**A.** Using the most lenient metric, the area in question is near it's 15% of peak load capacity.

**Q. AS THE APPLICATIONS HAVE BEEN DENIED, DID YOU EXPLAIN THE OPTIONS THAT THE COMPLAINANT HAS AS ALTERNATIVES TO THE AMOUNT OF CAPACITY AND THE DIFFERENT TARIFFS THAT MIGHT QUALIFY FOR SIMILAR PROJECTS?**

A. Yes.

**Q. WERE THE APPLICATIONS THAT WERE FILED IN THIS PROCEEDING REVIEWED IN THE SAME MANNER AS OTHER NET METERING APPLICATIONS?**

A. Yes.

**Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

A. Yes.