

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR (1) A GENERAL)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC)	
SERVICE; (2) APPROVAL OF TARIFFS AND)	
RIDERS; (3) APPROVAL OF ACCOUNTING)	CASE NO.
PRACTICES TO ESTABLISH REGULATORY)	2020-00174
ASSETS AND LIABILITIES; (4) APPROVAL OF)	
A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY; AND (5) ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

JOINT MOTION OF MOUNTAIN ASSOCIATION FOR COMMUNITY ECONOMIC DEVELOPMENT, KENTUCKIANS FOR THE COMMONWEALTH, AND KENTUCKY SOLAR ENERGY SOCIETY FOR FULL INTERVENTION AS JOINT INTERVENORS

Come now the Mountain Association for Community Economic Development (MACED), Kentuckians for the Commonwealth (KFTC), and the Kentucky Solar Energy Society (KYES) (collectively "Movants"), and by and through counsel, move for leave to participate as full Joint Intervenors into this case. In support of their motion to intervene, MACED, KFTC, and KYSES state as follows:

1. Intervention in formal proceedings before the Kentucky Public Service Commission ("Commission") is within the sound discretion of the Commission and is governed by 807 KAR 5:001 Section 4(11), which provides in relevant part that:

A person who wishes to become a party to a case before the Commission may, by timely motion, request leave to intervene. []
The motion shall include the movant's name and address and shall

state his or her interest in the case and how 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.

807 KAR 5:001 Section 4(11).

2. This motion for intervention is timely, since under the *Order* entered on July 14, 2020 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed prior to July 31, 2020. Movants, if granted Joint Intervenor status, will accept and abide by the procedural schedule, including the filing of any Intervenor testimony and response to any data requests from any party, so that there is no prejudice to the applicant or other parties from the grant of full intervenor status to Movants at this time.

3. Movants' interests are different than those of the existing parties, including the Office of Attorney General, and their participation is "likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings."

4. Existing parties to the proceeding do not adequately represent the interests of Movants. No current party represents the specific perspective and interests of Movants, as is discussed below.

5. 907 KAR 5:001 Section 4(11)(b) provides that the Commission will grant full intervention status if the person "has special interests in the case that is not otherwise adequately represented" or "that his or her

intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings." The special interests of Movants in the pending rate case are squarely within the ambit of the Commission's jurisdiction over rates and service, and as noted above and discussed below, are not adequately represented by existing parties. The participation of MACED, KFTC, and KYSES as Joint Intervenors will neither complicate or disrupt the proceedings, since the discovery, testimony, and witnesses will be jointly offered by the three organizations, who have adopted internal procedures to assure timely decision-making and coordinated participation with one voice in this case.

6. Alternatively, full joint intervention should be granted since the participation of Movants would assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding.

7. The Mountain Association for Community Economic Development (MACED), a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with an office at 433 Chestnut Street, Berea, Kentucky, 40403, (859) 671-0240, an office at 420 Main Street, Hazard, KY, 41701, (606) 439-0170, and an office at 224 Main Street, Paintsville, KY 41240, (606) 264-5910, works with people in eastern Kentucky and Central Appalachia to create economic opportunity, strengthen democracy, and support the sustainable use of natural

resources. MACED's energy programs work to strengthen the region's residents, small businesses, local governments, communities, and non-profits by helping to reduce energy costs and consumption, increase energy security, and build resilience in the face of climate change. MACED has worked with hundreds of small commercial Kentucky Power Company (KPC) customers over the last twelve (12) years providing financing to access investments in energy efficiency and renewable energy, resulting in reduced operating expenses. At the same time, MACED has assisted energy contractors with technical trainings and equipment financing to grow their businesses.

8. Among MACED's clients is the Red Bird Mission, Inc., a Kentucky nonprofit that is a Kentucky Power customer receiving electric service through at least 28 electric accounts spanning at least three (3) different rate classes. Red Bird Mission is also applying for net metering service under Kentucky Power's Tariff N.M.S. (Net Metering Service), for a completed generation system paralleled with a Large General Service rate class account. Red Bird Mission may also modify its current system and may construct and net meter on additional systems in the future on different rate class accounts. The rate design and net metering tariff approved in this case will have a direct impact on Red Bird Mission and its mission.

9. Another of MACED's clients is Criston Enterprises Inc. ("Isom IGA"), a Kentucky limited liability company and a Kentucky Power customer receiving electric service under Kentucky Power's Tariff Large General Service (Tariff 240). Isom IGA is currently installing a 45.0 kW (AC) solar photovoltaic generator and has received initial Net Meter approval letter from AEP KY Power. Criston Enterprises Inc., having made investment in generation equipment yet to be interconnected, is concerned about deadline to be grandfathered under current Tariff N.M.S. (Net Metering Service).

10. Another of MACED's clients is MTAP Inc. ("Mountain Truck Parts"), a Kentucky limited liability company and a Kentucky Power customer receiving electric service under Kentucky Power's Tariff N.M.S. (Net Metering Service). MTAP intends to receive electric service under a net metering tariff beyond the 25-year grandfathering period on its current system and any future systems including modified systems.

11. Joshua Bills, CEM, is the Commercial Energy Specialist for MACED, and previously participated in the collaborative administrative case before this Commission that established the tariff and interconnection provisions for jurisdictional electric utilities under Kentucky's original "net metering" law, 2008-00169. It is anticipated that, if granted intervention as a Joint Intervenor, Movants will offer expert

testimony from Mr. Bills concerning several aspects of the KPC proposed rate adjustment and other regulatory proposals.

12. Without limitation, MACED has a unique perspective and concern, and would offer testimony concerning these aspects of the KPC application: transparency in billing; the need for updating interconnection guidelines prior to KPC closing its current Net Metering Service and implementing its Net Metering Service II;¹ clarification on what constitutes a new installation versus what is permitted maintenance on an installation, for purposes of grandfathering of existing systems under the current Net Metering tariff; maintenance of current net metering service with kWh one-for-one netting for those customers served under tariffs with

¹ As noted in the *Order* in Case 2019-00256:

Second, the Commission concurs with comments from jurisdictional electric utilities and KYSEIA that the existing interconnection guidelines for distributed generation established in Case No. 2008-00169 must be updated. In Case No. 2008-00169, the Commission worked with stakeholders in a cooperative process that resulted in the development of interconnection and net metering guidelines adopted by the Commission that are applicable to all jurisdictional electric utilities. The guidelines incorporated all applicable safety and power quality standards established by the National Electric Code, Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. The Commission will initiate a separate proceeding using the same collaborative process utilized in Case No. 2008-00169 to update the interconnection guidelines to reflect new technology and technical interconnection requirements, and upon initiating the matter, the Commission will make all jurisdictional electric utilities as parties.

demand rates;² the economic development benefits of net metering service, and the validity of KPC assumptions regarding costs and cost recovery for the proposed new tariff for net metering customers; and challenges facing former “small general service” customers.

13. It is clear that MACED “has special interests in the case that is not otherwise adequately represented” and alternatively that “his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.”

14. Kentuckians For The Commonwealth (KFTC), a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky with its principal office located at 131 North Mill Street, London, Kentucky 40743, is a 39-year-old, multi-issue grassroots organization of Kentuckians inspired by a vision, working for a brighter future for all people, no matter our color, where we come from, or how much money we have. Together, KFTC members organize for a fair economy, a healthy environment, new safe energy, and an honest democracy. KFTC has

² In 2001, LGE and KU submitted to the Commission Tariff filings to add Pilot Net Metering Service (Case No. 2001-00303 and Case No. 2001-00304). In Commission Order addressing both filings, dated March 14, 2002 the issue of fixed cost recovery was addressed by the Commission, which stated that “For customers served under tariffs with demand rates, the utility is still able to recover its investment in fixed costs through a separate demand charge.”

fourteen chapters and 12,000 members across the state - including two chapters whose members are ratepayers in KPC service territory. KFTC also pays electric rates to KPC at its Prestonsburg office, located at 152 North Lake Drive, Prestonsburg, KY 41653.

15. KFTC was a participant in KPC's first DSM stakeholder collaborative and has significant experience in educating the public and supporting both public comments and expert testimony in previous rate cases before the Commission. As an organization, KFTC has been involved with issues affecting low-income residential ratepayers for over 30 years and has gained a deep understanding of both the complexities of rate design and the interests of residential customers across the state-and specifically in eastern Kentucky. As a member-based organization with deep organizational roots in the region (including through KFTC's Big Sandy and Perry County chapters) and at least 613 KFTC members in the KPC service territory, KFTC is uniquely positioned to be a voice for the needs and interests of the several hundred Kentucky Power residential ratepayers who are also KFTC members. These members include KPC ratepayers Beverly May, Nina McCoy, and Tom Vierheller.

16. Without limitation, KFTC would address through the Joint Intervention the concerns of eastern Kentucky current and prospective solar customers in the maintenance of a fair net metering tariff that enables distributed solar to remain a viable option in the region – as well

as the concerns of members with low- and fixed-incomes regarding the fairness of the proposed rate structure and design, and cost allocation. KFTC will also address, through the Joint Intervention, concerns that the rate proposal disincentivizes energy efficiency and would pose a sizeable financial impact on households already facing a huge energy cost burden, in the middle of a pandemic. KFTC will also focus on the justification of the proposed capital investment of smart meters for residential customers, which KFTC believes may be of questionable value to those ratepayers. Finally, KFTC will focus on the impact of the proposed net metering tariff on KPC ratepayers who are KFTC members and current or potential net metering customers.

17. It is clear that KFTC has a special interest in the case that is “not otherwise adequately represented” and alternatively that KFTC’s participation as a Joint Intervenor “is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.”

18. The Kentucky Solar Energy Society, Inc, (KYES) is a non-profit corporation in good standing, incorporated under the laws of the Commonwealth of Kentucky, with its principal office at 4715 Southern Parkway, Louisville, Kentucky 40214. The mission of KYES is to promote the use of renewable energy resources, energy efficiency, and conservation

in Kentucky through education, advocacy, networking, and demonstration of practical applications.

19. KYSES is comprised of members who include residential solar energy customers; solar energy enthusiasts (including potential future solar customers); professionals working in the clean energy field in business, non-governmental organizations, and academia; and advocates for a transition to a clean energy economy.

20. Andy McDonald, CEM, who is the KYSES vice-chair, participated in PSC Case No.2008-00169 on behalf of Appalachia-Science in the Public Interest (ASPI). In this capacity McDonald helped produce the Kentucky Interconnection and Net Metering Guidelines which resulted from this collaborative case. He has continued during the subsequent 12 years to work with solar energy in Kentucky, and his anticipated testimony would bring both historical knowledge and relevant recent experience to the net metering tariff and solar valuation issues.

21. Seth Long is a member of the KYSES, a residential customer of KPC, and a net metering customer-generator at his home and farm (Southdown Farm) in Ermine, Kentucky. Mr. Long is also the Executive Director of Housing Oriented Ministries Established for Service, Inc. (HOMES, Inc.) in Whitesburg, Kentucky, which provides affordable and efficient housing solutions to distressed communities in Eastern Kentucky through new construction, rehabilitation, and rental opportunities. HOMES Inc.'s

clients include KPC customers and HOMES Inc. is in the process of adding solar PV installation to their service offerings. Any changes to KPC's net metering arrangement would have a direct impact on HOMES Inc.'s business model and the services they offer to KPC customers, and on the quality of life of those customers.

22. Without limitation, KYSES would, as one of the organizations comprising the Joint Intervenors, present testimony and evidence concerning the importance of a net metering policy and tariff that is simple, predictable, and which fairly values the energy produced by solar customers through a comprehensive cost and benefit analysis.

23. It is clear that KYSES has a special interest in the case that is "not otherwise adequately represented" and alternatively that KYSES's participation as a Joint Intervenor "is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings."

24. In a February 18, 2019 Letter to Senator Brandon Smith, Chair of the Senate Natural Resources and Energy Committee, regarding a proposed (and ultimately rejected) floor amendment to Senate Bill 100, the Commission noted that broad participation of interested stakeholders in the context of a rate case was the appropriate way to address the valuation of solar and net metering tariffs:

The original provisions of Senate Bill 100 create a transparent process that would have allowed broad participation among all

stakeholder interests with the ability of the Commission to fulfill its statutory directive to establish rates that are fair, just and reasonable to all ratepayers.

February 18, 2019 Commission Letter to Senator Brandon Smith.

Joint Movants concur with the Commission that broad participation among all stakeholder interests should be part of a rate case such as this, the first to propose a change to the current net metering tariff, and respectfully requests that the Commission will grant intervention to Joint Movants in order to assure such broad participation, just as it did when the initial model net metering tariff and interconnection guidelines were developed following adoption of net metering by the Kentucky General Assembly.

WHEREFORE, for the reasons stated above, Joint Movants MACED, KFTC, and KYSES respectfully request to be accorded the status of full Joint Intervenors, and that each party to the case be directed to serve upon the undersigned counsel, all future pleadings and documents that are filed in this case.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that electronic version of the Joint Motion of Mountain Association for Community Economic Development, Kentuckians for the Commonwealth, and Kentucky Solar Energy Society For Full Intervention As Joint Intervenors, is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on July 27, 2020; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that in accordance with the March 16, 2020 Commission Order in Case No. 2020-00085 an original and ten copies in paper medium of the Motion will not be mailed until after the lifting of the current state of emergency.



Tom FitzGerald