

**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 Practices To Establish)	Case No. 2020-00174
Regulatory Assets And Liabilities; (4) Approval Of A)	
Certificate Of Public Convenience And Necessity;)	
And (5) All Other Required Approvals And Relief)	

Kentucky Power Company’s Response in Opposition to Joint Motion of Mountain Association for Community Economic Development, Kentuckians for the Commonwealth, and Kentucky Solar Energy Society for Full Intervention

Kentucky Power Company (“Kentucky Power” or “Company”) opposes in part the Joint Motion of Mountain Association for Community Economic Development, Kentuckians for the Commonwealth, and Kentucky Solar Energy Society for Full Intervention (“Joint Motion”) filed on July 27, 2020. Kentucky Power opposes only intervention by Kentucky Solar Energy Society (“KYSSES”). The Company does not oppose intervention by Mountain Association for Community Economic Development or Kentuckians for the Commonwealth so long as they do not duplicate between themselves discovery, testimony, or cross-examination in this case.¹

Intervention is appropriate only when the party seeking intervention has an interest in the rates or services of a utility and (1) has a special interest in the proceeding not otherwise represented by other parties to the case or (2) is likely to present issues or develop facts that will

¹ See Joint Motion at ¶ 5 (“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.”)

assist the Commission in fully evaluating the matter without unduly complicating or disrupting the proceedings.²

KYSES does not have a special interest in this case not otherwise represented by another party, and as such KYSES is not likely to present issues or develop facts that would assist the Commission in fully evaluating this matter, and its participation would unduly complicate and disrupt the proceedings.

A. KYSES's Interests are Already Represented by Another Party to This Case.

The Joint Motion explains that KYSES is “a non-profit corporation in good standing, incorporated under the laws of the Commonwealth of Kentucky.”³ Further, “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 business, non-governmental organizations, and academia; and advocates for a transition to a clean energy economy.”⁴ KYSES states that it would “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.”⁵

The Commission previously granted intervention to Kentucky Solar Industries Association, Inc. (“KYSEIA”), by Order dated July 15, 2020. KYSEIA likewise stated in its Motion to Intervene (filed July 10, 2020) that it is a non-profit whose purposes included “promoting the exchange knowledge for solar energy and [to] advocate on behalf of solar energy

² 807 KAR 5:001, Section 4(11); Order, *In the Matter of: Application of Kentucky Power Company for Approval of Its 2011 Environmental Compliance Plan, for Approval of Its Amended Cost Recovery Surcharge Tariff, and for the Grant of a Certificate of Public Convenience and Necessity for the Construction and Acquisition of Related Facilities*, Case No. 2011-00401, at 2, (Ky. P.S.C, January 26, 2012).

³ Joint Motion at ¶ 18.

⁴ *Id.* at ¶ 22.

⁵ *Id.*

constituents and members.”⁶ Further, KYSEIA claims it is “the primary entity representing solar companies and customer generators on issues related to interconnection...”⁷

The interests of KYSES, a non-profit corporation representing the interests of solar energy members, are already represented by KYSEIA, which is also a non-profit corporation, and which purports to be the “primary entity representing” the interests of solar energy members.

Therefore, because the Commission has granted intervention to KYSEIA, KYSES cannot show that it has a special interest in the proceeding not otherwise represented by other parties to the case. The Commission should deny KYSES’s request for intervention in this case.

B. KYSES’s Participation Would Unduly Complicate and Disrupt the Proceedings.

KYSES’s, and its member’s, interests are already adequately represented by KYSEIA in these proceedings. Because these parties’ interests are likely to be the same, they would also likely seek the same information from the Company and make the same or similar arguments regarding the Company’s requests for relief in this case. Therefore, discovery from these two non-profits would likely be duplicative, and the Company could be required to simultaneously respond to the same or similar arguments made by both non-profits.

The Commission should deny KYSES’s request for intervention in this case.

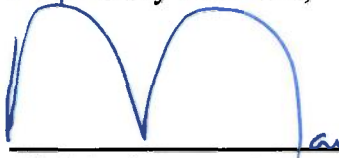
WHEREFORE, Kentucky Power Company respectfully requests the Commission to enter an Order:

1. Denying Kentucky Solar Energy Society’s request to intervene in this case; and
2. Granting Kentucky Power all further relief to which it may be entitled.

⁶ KYSEIA Motion to Intervene, at 1.

⁷ *Id.* at 4.

Respectfully submitted,



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