

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In The Matter Of: Electronic Application Of Kentucky Power :
Company For An Order Establishing the Form of Notice To Be : **Case No 2020-00174**
Employed In Its Upcoming Application for A General Adjustment Of :
Rates And Other Relief. :

**SUPPLEMENTAL RESPONSE BRIEF OF ATTORNEY GENERAL AND
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

The Attorney General, through his Office of Rate Invention, (“AG”) and Kentucky Industrial Utility Customers, Inc. (“KIUC”) submit this Supplemental Response Brief in support of their recommendations to the Kentucky Public Service Commission (“Commission”) in this proceeding. AG-KIUC filed a Brief on April 21, 2021 recommending that the Commission approve Kentucky Power Company’s (“Kentucky Power” or “Company”) proposed Net Metering Service tariff (“NMS II”). The Company filed its own Brief in support of NMS II on the same date. Kentucky Solar Industries Association, Inc. (“KYSIA”) and the Joint Intervenors both filed Briefs opposing the approval of Kentucky Power’s proposed NMS II Tariff. Despite the arguments raised in opposition, AG-KIUC remain of the opinion that the Commission should approve the Company’s NMS II proposal.

The arguments presented by KYSIA and the Joint Intervenors in their Briefs are substantially similar to those provided by their witnesses in testimony and previously presented to the Commission at the two hearings that have been held in this matter. Those arguments have already been rebutted thoroughly in the Company’s rebuttal testimony and Brief.

It is reasonable that KYSIA and the Joint Intervenors raise issues supporting the interests of the solar industry in this matter. That input has undoubtedly added value to these proceedings and has the

potential to inform the analysis in which the Commission must engage to set a fair, just, and reasonable rate for customer-generators. And the Joint Intervenors are correct that the burden of proof is on Kentucky Power to put evidence in the record supporting its proposal; KYsIA and the Joint Intervenors are not required to provide an alternative compensation rate.

However, KRS 278.466(3) requires the Commission to set a rate to be used for compensation of eligible customer-generators going forward. Thus, in the absence of an alternative proposal from KYsIA and the Joint Intervenors, the Commission should either adopt the Company's proposal or set a compensation rate deviating from that proposal based on reasonable and supported adjustments developed during the establishment of the record. Postponing the setting of a fair, just, and reasonable rate under KRS 278.466(3) and ordering the Company to continue to compensate all new customer-generators at the one-to-one rate reserved for grandfathered customers under KRS 278.466(6) is not supported by the record, is contrary to the plain language of KRS 278.466 , and is not fair, just, and reasonable.

AG- KIUC respectfully request that the Commission establish a fair, just, and reasonable rate for customer-generators in this matter. The Company's proposed rate satisfies that standard.

WHEREFORE, the Commission should approve the Company's proposed NMS II tariff.

Respectfully submitted,

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