

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)	

**KENTUCKY SOLAR INDUSTRIES ASSOCIATION, INC.
RESPONSE TO 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**

Comes now the Kentucky Solar Industries Association, Inc. (KYSEIA), by and through counsel, and in response to 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’s Opposition) states the following:

Through an Order of the Commission entered on July 15, 2020, KYSEIA was granted full intervention into the instant case. KYSEIA is grateful to the Commission for the opportunity to participate in this proceeding. KYSEIA’s Motion to Intervene was filed with this Commission on July 10, 2020. At the time of the filing, there was no other party or movant for intervention that purported to represent the interests of KYSEIA’s members and Kentucky Power’s net metering

customers. Subsequent to the grant of KYSEIA's intervention, the Kentucky Solar Energy Society (KSES), as joint movants with two other parties, filed a motion to intervene. Kentucky Power has filed a response in opposition to intervention for KSES.

KYSEIA's concerns with Kentucky Power's Opposition are (1) Kentucky Power appears to advocate for decisions on intervention based upon a race to file with the Commission and (2) while KYSEIA and KSES certainly may have interests that overlap on many points, the interests of the two organizations are not necessarily aligned.

KYSEIA urges the Commission to reject any argument that an otherwise timely motion to intervene be denied because another party has "beaten" the movant to the Commission. The procedural schedule set forth by the Commission's July 14, 2020, Order states that motions for intervention will be accepted as long as they are filed on or before July 31, 2020. The joint motion through which KSES seeks intervention was filed on July 27, 2020; therefore, the KSES request for intervention was timely.

Application of Kentucky Power's opposition to a scenario in which KYSEIA and KSES had sought intervention through motions filed on the same day brings the matter into sharper focus. Kentucky Power fails to articulate anything other than a first-in-time framework on how best to address the natural consequences for Kentucky Power's race to the Commission approach for determining questions of intervention.

The Commission retains full authority to address all issues regarding, among other things, discovery, examination and cross-examination, and briefing including any allegations that a party is unduly complicating or disrupting the proceedings. KYSEIA also notes that it is not unusual, with simultaneous requests for information, for an applicant or a party to receive similar requests for information in the separate requests of the parties and the Commission or its Staff. Cross-

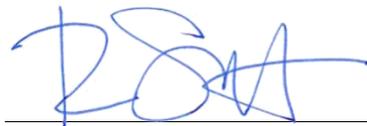
referencing responses is an accepted practice in such instances. Kentucky Power's opposition based upon allegations of complications and disruptions suggests a solution that is in search of a problem that does not exist.

As importantly, while KYSEIA and KSES may have overlapping interests in some areas, the interests and goals of the two organizations are not necessarily the same. There may be issues and advocacy that KYSEIA may seek to advance that KSES may not seek to advance or advocate. The reverse is true for KYSEIA which may not seek to advance all the arguments and issues of KSES. Kentucky Power's Opposition, for all intents and purposes, seeks to assign to KYSEIA a duty to act and speak on behalf of the interests of KSES, if not KSES itself, a duty that KYSEIA has not offered to undertake and that KSES has not requested. Further, KSES is not a member of KYSEIA. KSES' rights and interests are not derived from or dependent upon KYSEIA.

KYSEIA supports the motion for intervention for all of the Joint Movants, Mountain Association for Community Economic Development, Kentuckians for the Commonwealth, and KSES. KYSEIA states that Kentucky Power's opposition to intervention promotes an ill-advised and unworkable precedent.

WHEREFORE, KYSEIA submits its Response to Kentucky Power's Opposition.

Respectfully submitted,



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NOTICE AND CERTIFICATION FOR FILING

Undersigned counsel provides notice that the electronic version of the paper has been submitted to the Commission by uploading it using the Commission’s E-Filing System on this 30th day of July, 2020, and further certifies that the electronic version of the paper is a true and accurate copy of each paper filed in paper medium. Pursuant to the Commission’s March 16, 2020, and March 24, 2020, Orders in Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus Covid-19*, the paper, in paper medium, will be filed at the Commission’s offices within 30 days of the lifting of the state of emergency.



Randal A. Strobo

CERTIFICATE OF SERVICE

Undersigned counsel certifies that it has transmitted on this 30th day of July, 2020, via electronic mail messages, this Written Statement and the accompanying Read1st file for the electronic filing to the parties of record at the electronic mail addresses listed below. The Commission has not excused any party from electronic filing procedures for this case.

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