

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

In the matter of:

ELECTRONIC INVESTIGATION OF)	
INTERCONNECTION AND NET)	Case No. 2020-000302
METERING GUIDELINES)	

**SUPPLEMENTAL BRIEF OF JOINT INTERVENORS EARTH TOOLS
AND MOUNTAIN ASSOCIATION**

Come Joint Intervenors, Mountain Association and Earth Tools, Inc., in the above-styled matter, pursuant to the Commission’s Orders dated February 4, 2026 and March 12, 2026, and provide the following Supplemental Briefing.

Introduction

1. *Establishing Interconnection Guidelines Under Case No. 2008-00169*

On March 30, 2008, by its own motion, the Kentucky Public Service Commission (Commission) initiated Administrative Case No. 2008-00169, “to establish interconnection and net metering guidelines in accordance with Senate Bill 83 (‘SB 83’), which was enacted by the Kentucky General Assembly during the 2008 Regular Session and signed by Governor Steve Beshear on April 24, 2008.” That case, captioned *In the Matter of: Interconnection and Net Metering Guidelines for Retail Electric Suppliers and Qualifying Customer-Owned Generators*,” Case No. 2008-00169, amended existing law concerning the net metering of electricity, in order to “increase the number of net metering customers by expanding the types and size of customer-owned generation that will qualify for net metering.”¹ The March 30, 2008 *Order* establishing the case made each jurisdictional utility a party, and invited intervention and comments

¹ 2008 Case Order at 1, (March 30, 2008).

from other interested parties. In order to “gauge the parties’ willingness and ability to reach a consensus on interconnection and net metering guidelines,” and for other procedural purposes, an informal conference was set. The Commission explained the non-adversarial approach, and the outcome of the collaborative effort, in this manner:

In meeting the General Assembly’s directive to adopt net metering and interconnection guidelines, the Commission determined to undertake a cooperative process in which it would work with the stakeholders in an effort to come to a consensus, rather than engaging in an adversarial administrative hearing process. The Commission believed that, while there would be some differences in opinion between the jurisdictional electric utilities and those advocating further deployment of net metering throughout the state, there was substantial common ground for cooperation on these issues. As this case has developed, it is clear that the parties have worked cooperatively and, as a result, have been able to reach a consensus.

During the case, Commission Staff held a number of informal conferences with the parties in which they and the parties engaged in discussions of the interconnection and net metering issues. The utilities and the intervening parties also engaged in additional settlement discussions without the participation of Commission Staff or the AG. These negotiations resulted in the production of draft interconnection and net metering guidelines (“draft guidelines”) which were distributed to all parties for review on October 2, 2008.

²

The Commission, in finding that the consensus *Guidelines* were in accordance with the provisions of SB 83 and KRS 278.465 - 468, offered this note of conclusion:

The Commission also commends the parties for their willingness to engage productively in this cooperative effort. The Commission believes that their hard work has resulted in a strong, comprehensive set of interconnection and net metering guidelines. The Commission believes that this stakeholder process will substantially contribute to the successful implementation of the guidelines, as all of the parties were well-represented and were provided the opportunity to fully voice their opinions on those issues most important to them regarding interconnection and net metering in Kentucky.

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² Order at 3 (Jan. 8, 2009).

³ *Id.*, p. 5

2. Case No. 2020-00302: Updating and Modifying the 2009 Interconnection Guidelines

By *Order* dated September 24, 2020, the Commission, on its own motion, initiated Case No. 2020-00302, captioned *Electronic Investigation of Interconnection and Net Metering Guidelines* in order to

investigate and potentially modify and update net metering interconnection guidelines in light of the time since the establishment of those guidelines over a decade ago and to address the enactment of Senate Bill 100, An Act Related to Net Metering, which took effect on January 1, 2020. A copy of Senate Bill 100 is attached hereto as Appendix A. SB 100 amends the existing statutory requirements for the net metering of electricity, which are codified in KRS 278.465 to 278.467. In a separate proceeding to address certain aspects of the enactment Senate Bill 100, the Commission concurred with several of the commenters that net metering interconnection guidelines needed to be updated. The Commission, therefore, finds that this proceeding is necessary due to the passage of time since the Commission last visited these issues in Case No. 2008-00169.⁴

All jurisdictional utilities were again made parties, and intervention and comments were encouraged by the Commission. The Office of the Attorney General, Kentucky Industrial Utility Customers, Kentucky Solar Industries Association, Inc. (KYSEIA), and Mountain Association and Earth Tools, Inc. (jointly, MA/ETI) were granted intervention.

By *Order* dated February 16, 2021, the Commission set the procedural schedule, noting:

During the pendency of Case No. 2019-00256, a recent proceeding to address legislation that amended the statutory requirements for the net metering of electricity, several commenters opined that the net metering interconnection guidelines should be updated. In light of the relevant information contained in the record of that proceeding, the Commission, on its own motion, finds that the record of Case No. 2019-00256, should be incorporated by reference into this proceeding. To assist the Commission in its investigation, the Commission further finds that the parties should file, within 30 days of the date of this Order, a written brief discussing current and reasonably anticipated issues and concerns

⁴ *Order* at 1 (September 24, 2020).

identified by each party regarding net metering interconnection guidelines, and, separately, current and reasonably anticipated concerns regarding Federal Regulatory Energy Commission (FERC) Order No. 2222. Because the parties represent a variety of interests, gathering such information may be productive in evaluating existing interconnection guidelines, identifying necessary modifications and best practice considerations, and analyzing the physical and operational impact of FERC Order No. 2222.⁵

In accordance with the briefing schedule, as later adjusted, written briefs were filed by the parties identifying current and reasonably anticipated issues and concerns regarding the net metering interconnection guidelines and “separately, current and reasonably anticipated concerns regarding Federal Energy Regulatory Commission (FERC) Order No. 2222.”

Earth Tools and Mountain Association (hereafter MA/ETI, the abbreviation used by the Commission in the February 16, 2021 *Order*) incorporate herein as if fully set forth below, the *Brief of Joint Intervenors Mountain Association and Earth Tools, Inc.* filed in this docket on April 19, 2021, and supplement those identified issues and concerns as set forth below.

Before turning to the issues and concerns, MA/ETI encourage the Commission to approach the consideration and resolution of the issues that have been identified by the parties both in the 2021 briefing and 2026 supplemental briefing, in the same collaborative manner as the 2008 guideline development process rather than through the typical adversarial process. Because of the good faith with which the jurisdictional utilities and other intervenors approached the 2008-9 negotiations, a set of uniform guidelines intended to encourage and streamline interconnection while addressing legitimate systemic concerns of the utilities, emerged as a consensus product that has,

⁵ *Order* at 1-2 (Feb. 16, 2021).

for the main, withstood the test of time and of application multiple times and across multiple utilities in the Commonwealth. While as noted below and in MA/ETI's original brief, and that of KYSEIA and other parties, there are issues that have arisen which necessitate consideration and possible modification of the *Guidelines*, the process demonstrated that "collaboration, and not clobberation" can produce a durable, workable set of guidelines for interconnecting distributed energy resources into the grid. MA/ETI encourage a modification of the procedural schedule in this case in order to establish an Informal Conference to gauge the interest of the parties in collaboration to resolve the identified issues and concerns regarding the *Guidelines*, FERC Order No. 2222, and the possibility of either modifying the 2009 *Guidelines* to incorporate more broadly the interconnection of other Distributed Energy Resources (DERs) or to establish a separate Administrative Case towards that end.

Against this backdrop, MA/ETI offer these supplemental comments.

Issues to be addressed.

1. *The Commission should ensure the consistency of adoption of interconnection guidelines across utilities.*

As an initial matter, in 2008 Senate Bill 83 amended the net metering statutes "to increase the number of net metering customers by expanding the types and sizes of customer-owned electric generating facilities that qualify for net metering."⁶ Part of those amendments required that "the Public Service Commission shall develop interconnection and net metering guidelines for all retail electric suppliers operating in the Commonwealth...."⁷ For interconnection, this was done through Case No.

⁶ Ky. PSC, *Order at 1*, Case No. 2008-00169, Development of Guidelines for Interconnection and Net Metering for Certain Generators with Capacity Up to Thirty Kilowatts (Jan. 08, 2009).

⁷ 2008 Ky. Acts ch. 138, sec. 3.

2008-00169, *Development of Guidelines for Interconnection and Net Metering for Certain Generators with Capacity Up to Thirty Kilowatts*, based on a unanimous recommendation reached through a collaborative process with stakeholders and intervenors.⁸

MA/ETI believe a renewed collaborative approach in this case could ensure that current guidelines, and any updates, are in fact uniformly adopted *and administered* by all retail electric suppliers in the Commonwealth. There are certain discrepancies between how the current guidelines are adopted by different suppliers and how the guidelines are being applied which MA/ETI believe should, and could, be rectified.

One example is where the cumulative capacity of 1% is reached. The current guidelines state:

Net Metering is available to eligible customer-generators in the Utility's service territory, upon request, and on a first-come, first-served basis up to a cumulative capacity of one percent (1%) of the Utility's single hour peak load in Kentucky during the previous year. If the cumulative generating capacity of net metering systems reaches 1% of a supplier's single hour peak load during the previous year, *upon Commission approval*, the Utility's obligation to offer net metering to a new customer-generator may be limited.⁹

In 2019, the Legislature modified KRS 278.466 to remove the requirement that after 1% of the previous year's peak load is reached, the obligation to offer net metering "may be limited by the commission."¹⁰ Since that amendment, at least one utility has removed the language from the guidelines requiring Commission approval from its tariff.¹¹ Other utilities, and the guidelines themselves, retain the requirement for

⁸ Ky. PSC, *Order*, Case No. 2008-00169, *Development of Guidelines for Interconnection and Net Metering for Certain Generators with Capacity Up to Thirty Kilowatts* (Jan. 08, 2009).

⁹ *Id.* at Appendix A, *Interconnection and Net Metering Guidelines - Kentucky*, Availability (emphasis added).

¹⁰ 2019 Ky. Acts ch. 101, sec. 2.

¹¹ Ky. PSC, *Order* at 2, Case No. 2020-00332, *Electronic Investigation Into Kenergy Corp.'s Compliance with KRS 278.160 and Its Net Metering Tariff* (Aug. 11, 2008).

Commission approval, leading to a lack of uniformity among the utilities and consistency with the current guidelines.

The statutory amendment clearly places the discretion with the utilities whether to end net metering once the 1% threshold is reached. However, as discussed further below, there has been controversy over *whether* the 1% threshold has been reached, both in calculating cumulative net metering capacity and single-hour peak load. In addition, as made clear by Kentucky Solar Energy Industries Association (KYSEIA) in their previous brief in this matter (and adopted by MA/ETI),

Electric utilities providing net metering service are in a transition period that has many moving parts. Regarding applications for new net metering service, until the Commission finds that the one percent (1%) threshold has been satisfied and issues an order approving the closure of net metering service to new customer-generators as of a date certain through a replacement tariff, a utility should be required to continue to accept and process net metering applications for eligible customer-generators.

* * *

Utilities offering net metering service should also be encouraged to establish transparent reporting requirements so that stakeholders have clear and up-to-date information about a utility's current operating net-metering capacity and single-hour peak load used in this calculation. During this transition period, each retail electric utility should be encouraged to keep its customers, and potential applicants for net metering service, informed regarding its provision of net metering service and relevant information through its website, publications, and other communications.¹²

MA/ETI continue to adopt these recommendations, and believe that through collaboration amendments to the Guidelines may be suggested that will clarify (1) how the determination of cumulative generating capacity relative to the 1% single hour peak load is calculated (see below), (2) how ratepayers, and especially current and

¹² KYSEIA, *Kentucky Solar Industries Association, Inc. Written Brief* at 39 (Apr. 19, 2021).

prospective customer-generators, are kept informed, and (3) how and when the determination is reviewed by the Commission (i.e. on a declaratory or complaint basis).

In another example, current guidelines require that:

where required by the Utility, an eligible Customer shall furnish and install on Customer's side of the point of common coupling a safety disconnect switch which shall be capable of fully disconnecting the Customer's energy generating equipment from Utility's electric service under the full rated conditions of the Customer's generating facility.¹³

In order to streamline the interconnection process, Louisville Gas & Electric and Kentucky Utilities ("LG&E-KU") have adopted interconnection requirements that contain a categorical exemption from the disconnect switch requirement for smaller systems (under 10 kilovolt-amperes ("kVa")) that meet certain criteria.¹⁴ MA/ETI believe that through collaboration those situations in which an external disconnect switch is not required could be clarified in the revised guidelines.

Another example to streamline the interconnection process, would be allowing use of meter collar devices as elaborated in the supplemental brief of Kentucky Solar Energy Industries Association,¹⁵ which are not currently widely permitted for use in KY. Such devices can, among other things, allow more rapid interconnection of home or business EV charging stations, minimizing the need to upgrade service panels or related customer-owned infrastructure.

¹³ Ky. PSC, *Order at Appendix A, Interconnection and Net Metering Guidelines - Kentucky, Terms and Conditions for Interconnection*, 8, Case No. 2008-00169, Development of Guidelines for Interconnection and Net Metering for Certain Generators with Capacity Up to Thirty Kilowatts (Jan. 08, 2009).

¹⁴ LG&E-KU, *Interconnection Requirements, Document Number IR-DG-001, Policy Interconnection Requirements for Customersited Distributed Generation at 27* (Jan. 01, 2020), available at <file:///Users/byrongary/Downloads/LGE-KU-Interconnection-Requirements.pdf>.

¹⁵ *Kentucky Solar Industries Association, Inc. Supplemental Brief at 9-10* (Apr. 06, 2026).

2. The Commission should adopt a common-sense approach to calculating facility capacity and system load.

There are at least three limitations on either system size or cumulative facility size under which a utility is *obligated* to provide net metering are established by statute or existing Commission Guidelines:

- A limit of 1% of “cumulative generating capacity” in relation to a utilities’ previous year single hour peak load,
- A limit of 45 kw on the size of an individual eligible electric generating system, and
- A limit of 15% of “the *aggregated generation on the circuit*, including the proposed generating facility ... of the Line Section's most recent annual one hour peak load.”

Both cumulative size limitations are established in relation to single hour peak load during a calendar year. How both generator capacity and single hour peak load are counted have been a source of confusion or controversy. MA/ETI encourage the Commission in opening a collaborative process, to include among the topics of discussion for informal conference or collaborative meetings a common-sense uniform approach to calculating both facility capacity and system load.

The net metering statutes, as amended in 2008 and 2019, contain two different limits to utilities’ obligation to offer net metering. Senate Bill 83 amended KRS 278.466(1) to raise the “cumulative generating capacity” of net metering systems under which utilities must offer net metering from one tenth of one percent (0.1%) of a suppliers single hour peak load during the previous year to one percent (1%).¹⁶ According to the Commission, “[t]he amendments [were] designed to increase the number of net metering customers by expanding the types and sizes of

¹⁶ 2008 Ky. Acts ch. 138, sec. 2.

customer-owned electric generating facilities that qualify for net metering.”¹⁷ In 2019, Senate Bill 100 (“SB 100”) amended the definition of “eligible electric generating facility” in KRS 278.465(2)(c) to raise the “rated capacity” of an eligible individual facility from thirty (30) to forty-five (45) kilowatts (kw).¹⁸

In addition to these limits, the 2009 Guidelines adopted by the Commission in its previous interconnection docket at the recommendation of all parties include a limit to the obligation to allow net metering where “the *aggregated generation on the circuit*, including the proposed generating facility, [would] exceed 15% of the Line Section's most recent annual one hour peak load.”¹⁹

“Cumulative generating capacity,” “rated capacity,” and “aggregated generation on the circuit” are not defined either in the net metering statutes or the current Commission Guidelines, nor are “single hour peak load” or “annual one hour peak load.” Both the calculating of capacity and load have created at least some measure of confusion or controversy. With regard to the counting of rated capacity of a single facility, differences are typically between the installed direct current (DC) capacity of solar panels and alternating current (AC) capacity of the inverter connected to the utility distribution system.

Additionally, modern inverters developed since the 2009 Guidelines are now capable of limiting their capacity to the system through software, or otherwise intentionally de-rating their ability to inject into the system. In one example of a difference of opinion in how systems are rated, Kentucky Power Company filed an

¹⁷ Ky. PSC, *Order* at 1, Case No. 2008-00169, Development of Guidelines for Interconnection and Net Metering for Certain Generators with Capacity Up to Thirty Kilowatts (Jan. 08, 2009).

¹⁸ 2019 Ky. Acts ch. 101, sec. 1.

¹⁹ Ky. PSC, *Interconnection and Net Metering Guidelines - Kentucky* (Jan. 08, 2009) (emphasis added).

application for a declaratory order related to how the capacity of a battery attached to a solar facility is to be rated.²⁰ That case has been held in abeyance since July 25, 2025 at the motion of the Company to give “Kentucky Power and the Martin County Health Department (the “Customer”) time to resolve the underlying dispute.”²¹ However, the underlying question at issue of how capacity of eligible electric generating facilities is counted remains relevant for the 45 kw, 1%, and 15% caps on utility obligations and clarity is needed among the utilities and their net metering customers.

MA/ETI believe that the opportunity to collaborate on a common-sense approach to rating capacity among the utilities and intervenors could be beneficial. For instance, MA/ETI would appreciate the opportunity to discuss adding a definition similar to that found in FERC’s *pro forma* Small Generator Interconnection Procedures (“SGIP”) for transmission-connected systems, adapted to distribution-connected systems. The SGIP states:

The Interconnection Request shall be evaluated using the maximum capacity that the Small Generating Facility is capable of injecting into the Transmission Provider’s electric system. However, if the maximum capacity that the Small Generating Facility is capable of injecting into the Transmission Provider’s electric system is limited (e.g., through use of a control system, power relay(s), or other similar device settings or adjustments), then the Interconnection Customer must obtain the Transmission Provider’s agreement, with such agreement not to be unreasonably withheld, that the manner in which the Interconnection Customer proposes to implement such a limit will not adversely affect the safety and reliability of the Transmission Provider’s system. If the Transmission Provider does not so agree, then the Interconnection Request must be withdrawn or revised to specify the maximum capacity that the Small Generating Facility is capable of injecting into the Transmission Provider’s electric system without such limitations. Furthermore, nothing in this section shall prevent a Transmission Provider

²⁰ Kentucky Power Company (“KPCo”), *Verified Application For Declaratory Order*, Case No. 2025-00166, Electronic Application of Kentucky Power Company for a Declaratory Order Related to Customer Eligibility to Continue Taking Service Under Tariff Net Metering Service II (Jun. 27, 2025).

²¹ KPCo, *Kentucky Power’s Motion to Hold Proceeding in Abeyance* (Jul. 25, 2025).

from considering an output higher than the limited output, if appropriate, when evaluating system protection impacts.²²

MA/ETI believe that a similar definition, adapted to distribution interconnection, would adequately serve the dual purposes of the limits to:

- “mitigate possible unsafe conditions that can be caused when distributed generation continues to feed excess power back into the grid after the utility source of power is de-energized, which can result in an unintentional “island,” a condition can pose a risk to utility equipment, personnel, and to appliances,”²³ and
- “to increase the number of net metering customers by expanding the types and sizes of customer-owned electric generating facilities that qualify for net metering.”²⁴

Counting the cumulative one-hour peak load of a system has also arisen before the Commission, with the Commission itself opening an investigation into Kenergy’s compliance with the net metering statutes.²⁵ In that case, Kenergy had ceased accepting applications under its net metering tariff after it determined the cumulative generating capacity of net metering facilities on its system had reached 1% of its “rural load,” excluding transmission-interconnected load directly served by Big Rivers Electric Corporation (“BREC”), its generation and transmission provider.²⁶ The Commission clarified in that case that the utility “shall continue to make net metering available to qualifying applicants until the cumulative generating capacity of net metering reaches one percent of its single hour peak load for all sales within Kenergy’s territory.”²⁷ In addition to the 1% cumulative cap on the obligation to offer net metering, Kenergy had

²² FERC, *pro forma* Small Generator Interconnection Procedures at 4.10.3 (Aug. 27, 2018).

²³ Ky. PSC, *Order* at 7, Case No. 2023-00309, Electronic Petition of Kenergy Corp. for A Declaratory Order, (Aug. 06, 2024).

²⁴ Ky. PSC, *Order* at 1, Case No. 2008-00169, Development of Guidelines for Interconnection and Net Metering for Certain Generators with Capacity Up to Thirty Kilowatts (Jan. 08, 2009).

²⁵ Case No. 2020-00332, Electronic Investigation Into Kenergy Corp.’s Compliance with KRS 278.160 and Its Net Metering Tariff .

²⁶ Ky. PSC, *Order* at 3, Case No. 2020-00332, Electronic Investigation Into Kenergy Corp.’s Compliance with KRS 278.160 and Its Net Metering Tariff (Aug. 11, 2008).

²⁷ *Id.* at 8 (emphasis in original).

separately sought a declaratory order with regard to the 15% threshold on a line section.²⁸ The Commission clarified that “the term ‘sectionalizing device’ as used in Kenergy’s net metering tariff is any safety device that can isolate distributed solar generation from the rest of Kenergy’s distribution grid.”²⁹

MA/ETI believe that in addition to clarifying the definition of “cumulative generating capacity,” “rated capacity,” and “aggregated generation on the circuit,” the interconnection guidelines would benefit from a clarification of how single-hour peak load for both the 1% total and 15% on a distribution line section are calculated.

Finally, MA/ETI note that because each of these “limits” is on the *obligation* of the utilities to offer net metering, the interconnection guidelines could benefit from clarification to customers contemplating net metering service that the utilities may still, even after reaching these thresholds, continue to offer net metering at their discretion, either generally or on a case-by-case basis.

3. *Customer-generators should only be required to fully pay for upgrades for which they would be the sole proximate cause*

KRS 278.466(9) states that “[a]ny upgrade of the interconnection between the retail electric supplier and the customer-generator that is required by commission-approved tariffs for the purpose of allowing net metering shall be made at the expense of the customer-generator.” Determining when an upgrade is required is of course a fact-specific determination generally made by the utilities. It should not be allowed to be used to discourage interconnection by requiring prospective customer-generators to pay for upgrades to the utilities’ systems that may either already

²⁸ Ky. PSC, *Order* at 3, Case No. 2023-00309, Electronic Petition of Kenergy Corp. for A Declaratory Order, (Aug. 06, 2024).

²⁹ *Id.* at 7.

be planned or needed for the general benefit of all customers, or customers on a particular circuit.

The legal concept of “proximate cause” may be of use in this regard. The Kentucky Supreme Court has adopted for this purpose the “substantial factor test,” in which it must be determined not only whether an act was the but-for cause of an injury, but whether it was a substantial factor in the cause of the injury prior to a finding of negligence.³⁰ MA/ETI believe that a similar analysis should be applied to determine whether a prospective customer-generator is responsible for paying for needed upgrades to the utilities’ systems. Otherwise, a situation could be envisioned, for instance, in which a single prospective net-metering customer-generator in a new development is required to pay all of the costs of an entirely new distribution circuit that would be required for the rest of the new development, regardless of the interconnection of the new development, because the upgrade would be required to allow interconnection of the customer-generator.

A less extreme example would be a prospective customer-generator wanting to interconnect on a single-phase shared secondary where the aggregate generation capacity of the shared secondary, including the proposed generating facility would exceed the smaller of 20 kVA or the nameplate rating of the transformer. In this example, under current guidelines, the prospective customer-generator could be required to bear the full cost of a new larger transformer or other changes to the Utility’s distribution system. These upgrades however, don’t just benefit the prospective customer-generator but also the other customers on the same shared secondary, e.g. another customer may opt to increase service size from 200-A to 400-A service or

³⁰ *Deutsch v. Shein*, 597 S.W.2d 141, 144 (Ky. 1980)

another customer may then benefit by being able to add their own generation capacity without themselves being required to pay anything for a transformer upgrade already having been made.

4. Storage Interconnection Issues

MA/ETI further suggest that the collaborative process to update the Commission's *Interconnection Guidelines* include procedures specific to energy storage systems (ESS), as recommended in IREC's **Model Interconnection Procedures** (2023 Edition).³¹ ESS are becoming increasingly common and offer a variety of valuable services to the grid, however, Kentucky's *Interconnection Guidelines* do not explicitly address ESS. This lack of clarity in how batteries are integrated into net metering interconnections is a barrier to ESS deployment, to the integration of other distributed energy resources (DER's) onto the grid, and to the evolution of a more resilient, reliable, environmentally sustainable, and affordable power grid. Kentucky's existing *Net Metering and Interconnection Guidelines* were developed nearly 20 years ago with a focus on the eligible generators identified in the net metering statute (solar, wind, hydro, biomass, and biogas).³² Battery ESS as a grid-interconnected resource was rare at that time, but today is emerging as a major economical resource for customers and the power grid, opening the door to aggregation of distributed resources to provide energy and capacity.

IREC, the Electric Power Research Institute (EPRI), and other partners have developed a *Toolkit and Guidance for the Interconnection of Energy Storage and*

³¹ Interstate Renewable Energy Council ("IREC"), *Model Interconnection Procedures* at 1(2023), available at <https://irecusa.org/resources/irec-model-interconnection-procedures-2023>.

³² KRS 278.465

Solar-Plus-Storage (March 2022).³³ This Toolkit was used in the development of IREC's Model Interconnection Procedures.³⁴ We recommend this Toolkit and the IREC *Model Interconnection Procedures* be used as the basis for integrating ESS into the update of Kentucky's *Interconnection Guidelines*.

5. FERC Order 2222 integration remains elusive, and should be facilitated through an ongoing collaboration.

FERC Order 2222 was issued “to remove barriers to the participation of distributed energy resource aggregations in the capacity, energy, and ancillary service markets operated by Regional Transmission Organizations and Independent System Operators (RTO/ISO).”³⁵ MA/ETI continue to believe, as stated in our previous brief in this docket, that:

As FERC acknowledges the numerous benefits DER's can provide and their potential role in reducing costs for ratepayers, we urge the Commission to remain faithful to the intention of using these Interconnection Guidelines to facilitate the use of renewable energy resources (and other DER's) in Kentucky; and to avoid any changes to these Interconnection Guidelines which would raise new barriers to DER's.³⁶

To date, while both RTOs operating in Kentucky, PJM,³⁷ and MISO,³⁸ have submitted compliance filings with FERC, timelines for implementation were 2028/29,³⁹ and 2030,⁴⁰ respectively. Implementation of such aggregation therefore remains elusive

³³ Building a Technically Reliable Interconnection Evolution for Storage (“BATRIES”), *Toolkit & Guidance For The Interconnection Of Energy Storage & Solar-Plus-Storage* (Mar. 2022), available at <https://energystorageinterconnection.org/resources/batrics-toolkit/>.

³⁴ IREC, *Model Interconnection Procedures* at 2.

³⁵ FERC Order 2222 at 1 (Sep. 17, 2020).

³⁶ MA/ETI, *Brief Of Joint Intervenors Mountain Association and Earth Tools, Inc.* at 8 (Apr. 19, 2021).

³⁷ PJM, FERC Case no. ER22-962-001, *Order No. 2222 Compliance Filing of PJM Interconnection, L.L.C. Motion for Extended Comment Period* (Feb. 01, 2022).

³⁸ MISO, FERC Case no. ER22- 1640, *Midcontinent Independent System Operator, Inc. Order No. 2222 Compliance Filing* (Apr. 14, 2022).

³⁹ PJM, *PJM Interconnection L.L.C., Docket No. ER22-962-00_ Order No. 2222 Compliance Filing and Motion to Modify Effective Date of PJM Interconnection, L.L.C.* at 2 (Oct. 23, 2024).

⁴⁰ MISO, FERC Case no. ER22- 1640, *Midcontinent Independent System Operator, Inc. Order No. 2222 Compliance Filing* at 32-33 (Apr. 14, 2022).

and unachieved. Further, as the Commission has previously noted, utilities may have an incentive to avoid the participation of DERs in wholesale power markets, as it may increase the costs of interconnection to the utilities' systems.⁴¹ For these reasons, MA/ETI emphasize our agreement with KYSEIA on this point in particular, and “continue[] to urge policies that facilitate the market participation of aggregators in wholesale markets, identify aggregation opportunities, and remove barriers that frustrate compliance with FERC Order 2222.”⁴² For this reason, ongoing collaboration between stakeholders should be encouraged and facilitated by the Commission on this issue specifically.

Conclusion

Wherefore, MA/ETI encourage the Commission to approach the consideration and resolution of the issues that have been identified by the parties both in the 2021 briefing and 2026 supplemental briefing, in the same collaborative manner as the 2008 guideline development process rather than through the typical adversarial process. MA/ETI welcome additional meetings, either through informal conference or outside of the specific scheduling Orders of the Commission, and look forward to next steps in furthering the dual purposes of the interconnection guidelines to “mitigate possible unsafe conditions” and “to increase the number of net metering customers.”

[SIGNATURES ON FOLLOWING PAGE]

⁴¹ Ky. PSC, *Order* at 39, Case no. 2020-00174, 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 Regulatory Assets and Liabilities; (4) Approval of a Certificate of Public Convenience and Necessity; And (5) All Other Required Approvals and Relief (May 14, 2021).

⁴² KYSEIA, *Kentucky Solar Industries Association, Inc. Supplemental Brief* at 10 (Apr. 06, 2026).

Respectfully Submitted,



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CERTIFICATE OF SERVICE

In accordance with the Commission's July 22, 2021 Order in Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, this is to certify that the electronic filing was submitted to the Commission on April 06, 2026; that the documents in this electronic filing are a true representation of the materials prepared for the filing; and that the Commission has not excused any party from electronic filing procedures for this case at this time.



Byron L. Gary