

1 guidelines, and the small-utility “opt-in” provision continues to protect Kentucky’s
2 cooperatives from significant costs and operational burdens. These foundational
3 positions have been reinforced, not weakened, by development since April 2021.

4 FERC Developments Since April 2021 (Brief Update).

5 After Big Rivers filed its Initial Brief, FERC issued Order No. 2222-B (June
6 17, 2021), addressing arguments on rehearing and clarifying parts of 2222-A.¹

7 While Order No. 2222-B did not expressly revisit the jurisdictional section of Order
8 No. 2222, nothing in 2222-B disturbs FERC’s prior finding that “nothing in this
9 final rule preempts the right of states and local authorities to regulate the safety
10 and reliability of the distribution system.” Order No. 2222, at P 44.

11 Collaborative Process.

12 During the virtual informal conference on February 26, 2026, multiple
13 parties observed that the current procedural schedule in the Appendix to the
14 Commission’s February 4, 2026 Order is sufficient and that a collaborative
15 approach—similar to the process successfully used to resolve interconnection issues
16 in the past—should again be employed if any party raises issues in its supplemental
17 briefing. Big Rivers and its Members fully support that collaborative model.

18 Clarifying Scope of This Proceeding.

19 To the extent any party seeks to revisit compensation, Big Rivers respectfully
20 reiterates that compensation is addressed in utility-specific rate cases under KRS

¹ Participation of Distributed Energy Resource Aggregations in Markets Operated by Reg’l
Transmission Orgs. & Indep. Sys. Operators, Order No. 2222, 172 FERC ¶ 61,247, at P 44 (2020)
 (“nothing in this final rule preempts ...”); Order No. 2222-B, 175 FERC ¶ 61,227 (2021) (rehearing;
 clarifying prior order).

1 278.466, as the Commission has done for individual utilities since SB 100—
2 confirming that compensation is outside the scope of this investigation.²

3 Conclusion

4 Big Rivers and its Members stand by their Initial Brief and respectfully urge
5 the Commission to proceed cautiously and collaboratively if any future changes are
6 considered. Consistent with that approach, Big Rivers notes that Kentucky’s
7 existing Net Metering Interconnection Guidelines were originally developed
8 through a Commission-led, multi-stakeholder collaborative in Administrative Case
9 No. 2008-00169, culminating in the January 8, 2009 Order adopting statewide Level
10 1/Level 2 procedures, technical safety requirements, and uniform applications for
11 all jurisdictional retail electric suppliers (excluding TVA utilities).³ The Commission
12 referenced that collaborative origin when it opened this proceeding and Joint
13 Intervenors likewise acknowledged that the 2009 guidelines were the product of a
14 “truly collaborative effort.”⁴

² *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 Regulatory Assets and Liabilities; (4) Approval of a Certificate of Public Convenience and Necessity; and (5) All Other Required Approvals and Relief*, Case No. 2020-00174, Order (May 14, 2021); *In the Matter of: Electronic Application of Duke Energy Kentucky, Inc. for an Adjustment to Rider NM Rates and for Tariff Approval*, Case No. 2023-00413, Order (Oct. 11, 2024); *In the Matter of: Electronic Tariff Filings of Louisville Gas and Electric Company and Kentucky Utilities Company to Revise Purchase Rates for Small Capacity and Large Capacity Cogeneration and Power Production Qualifying Facilities and Net Metering Service-2 Credit Rate*, Case No. 2023-00404, Order (Aug. 30, 2024).

³ *In the Matter of: Development of Guidelines for Interconnection and Net Metering for Certain Generators with Capacity up to Thirty Kilowatts*, Case No. 2008-00169.

⁴ *In the Matter of: Electronic Investigation of Interconnection and Net Metering Guidelines*, Case No. 2020-00302, Order, (Sept. 24, 2020) (referencing the development of the 2009 interconnection guidelines in Admin. Case No. 2008-00169); Joint Intervenors’ Brief at 2, Case No. 2020-00302 (Apr. 19, 2021).

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Respectfully submitted,
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