

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                      |   |            |
|--------------------------------------|---|------------|
| ELECTRONIC APPLICATION OF KENTUCKY   | ) |            |
| UTILITIES COMPANY FOR AN ADJUSTMENT  | ) |            |
| OF ITS RATES FOR ELECTRIC SERVICE, A | ) |            |
| CERTIFICATE OF PUBLIC CONVENIENCE    | ) |            |
| AND NECESSITY TO DEPLOY ADVANCED     | ) | CASE NO.   |
| METERING INFRASTRUCTURE, APPROVAL OF | ) | 2020-00349 |
| CERTAIN REGULATORY AND ACCOUNTING    | ) |            |
| TREATMENTS, AND ESTABLISHMENT OF A   | ) |            |
| ONE-YEAR SURCREDIT                   | ) |            |

**JOINT MOTION OF MOUNTAIN ASSOCIATION, KENTUCKIANS FOR THE  
COMMONWEALTH, AND KENTUCKY SOLAR ENERGY SOCIETY FOR FULL  
INTERVENTION AS JOINT INTERVENORS**

Come now the Mountain Association (MA), Kentuckians for the Commonwealth (KFTC), and the Kentucky Solar Energy Society (KYSES)(collectively “Movants”), and by and through counsel, move for leave to participate as full Joint Intervenors into this case. In support of their motion to intervene, MA, KFTC, and KYSES state as follows:

1. Intervention in formal proceedings before the Kentucky Public Service Commission (“Commission”) is within the sound discretion of the Commission and is governed by 807 KAR 5:001 Section 4(11), which provides in relevant part that:

A person who wishes to become a party to a case before the Commission may, by timely motion, request leave to intervene. [ ] The motion shall include the movant's name and address and shall state his or her interest in the case and how intervention is likely to present issues or develop facts that will assist the commission in fully

considering the matter without unduly complicating or disrupting the proceedings.

807 KAR 5:001 Section 4(11).

2. This motion for intervention is timely, since under the *Order* entered on December 9, 2020 by the Commission in this case establishing the procedural schedule, a motion for intervention is deemed timely if filed prior to December 23, 2020. Movants, if granted Joint Intervenor status, will accept and abide by the procedural schedule, including the filing of any Intervenor testimony and response to any data requests from any party, so that there is no prejudice to the applicant or other parties from the grant of full intervenor status to Movants at this time.

3. Movants' interests are different than those of the existing parties, including the Office of Attorney General, and their participation is "likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings."

4. Existing parties to the proceeding do not adequately represent the interests of Movants. No current party represents the specific perspective and interests of Movants, as is discussed below.

5. 907 KAR 5:001 Section 4(11)(b) provides that the Commission will grant full intervention status if the person "has special interests in the case that is not otherwise adequately represented" or "that his or her intervention is likely to present issues or to develop facts that assist the

commission in fully considering the matter without unduly complicating or disrupting the proceedings.” The special interests of Movants in the pending rate case are squarely within the ambit of the Commission’s jurisdiction over rates and service, and as noted above and discussed below, are not adequately represented by existing parties. The participation of MA, KFTC, and KYSES as Joint Intervenors will neither complicate or disrupt the proceedings, since 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. In Case No, 2020-00174, Joint Intervenors demonstrated that they are able to work jointly and efficiently in representing the interests of their constituencies.

6. Alternatively, full joint intervention should be granted since the participation of Movants would assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding.

7. Mountain Association (MA), a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky, with its office at 433 Chestnut Street, Berea, Kentucky, 40403, (859) 671-0240, works with people in eastern Kentucky and Central Appalachia to create economic opportunity, strengthen democracy, and support the sustainable use of natural resources. MA’s energy programs work to strengthen the region’s residents, small businesses, local governments, communities, and non-

profits by helping to reduce energy costs and consumption, increase energy security, and build resilience in the face of climate change. MA has worked with Kentucky Utilities Company (KU) customers over the last twelve (12) years providing financing to access investments in energy efficiency and renewable energy, resulting in reduced operating expenses. At the same time, MA has assisted energy contractors with technical trainings and equipment financing to grow their businesses. On December 4, 2020, Kentucky Energy and Environment Cabinet (EEC) Secretary Rebecca Goodman announced MA as the recipient of the 2020 Environmental Pacesetter Award, given for innovative efforts in protecting the environment and setting an example of environmental stewardship.

8. Joshua Bills, CEM, is the Commercial Energy Specialist for MA, and previously participated in the collaborative administrative case before this Commission that established the tariff and interconnection provisions for jurisdictional electric utilities under Kentucky's original "net metering" law, 2008-00169. It is anticipated that, if granted intervention as a Joint Intervenor, Movants will offer expert testimony from Mr. Bills concerning several aspects of the KU proposed rate adjustment and other regulatory proposals.

9. Without limitation, MA has a unique perspective and concern, and would offer testimony concerning these aspects of the KU

application: the need for updating interconnection guidelines prior to KU closing its current Net Metering Service and implementing its Net Metering Service II;<sup>1</sup> clarification on what constitutes a new installation versus what is permitted maintenance on an installation, for purposes of grandfathering of existing systems under the current Net Metering tariff; maintenance of current net metering service with kWh one-for-one netting for those customers served under tariffs with demand rates;<sup>2</sup> the economic development benefits of net metering service, and the validity

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<sup>1</sup> As noted in the *Order* in Case 2019-00256:

Second, the Commission concurs with comments from jurisdictional electric utilities and KYSEIA that the existing interconnection guidelines for distributed generation established in Case No. 2008-00169 must be updated. In Case No. 2008-00169, the Commission worked with stakeholders in a cooperative process that resulted in the development of interconnection and net metering guidelines adopted by the Commission that are applicable to all jurisdictional electric utilities. The guidelines incorporated all applicable safety and power quality standards established by the National Electric Code, Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. The Commission will initiate a separate proceeding using the same collaborative process utilized in Case No. 2008-00169 to update the interconnection guidelines to reflect new technology and technical interconnection requirements, and upon initiating the matter, the Commission will make all jurisdictional electric utilities as parties.

<sup>2</sup> In 2001, LGE and KU submitted to the Commission Tariff filings to add Pilot Net Metering Service (Case No. 2001-00303 and Case No. 2001-00304). In Commission Order addressing both filings, dated March 14, 2002 the issue of fixed cost recovery was addressed by the Commission, which stated that "For customers served under tariffs with demand rates, the utility is still able to recover its investment in fixed costs through a separate demand charge."

of KU assumptions regarding costs and cost recovery for the proposed new tariff for net metering customers; the failure of KU to properly assess the costs and benefits of electricity from net metering customer-generators; and the inconsistency of the instantaneous netting proposed by KU in the new net metering tariff with the underlying statute.

10. It is clear that MA “has special interests in the case that is not otherwise adequately represented” and alternatively that “his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.”

11. Kentuckians For The Commonwealth (KFTC), a non-profit corporation in good standing incorporated in the Commonwealth of Kentucky with its principal office located at 131 North Mill Street, London, Kentucky 40743, is a 39-year-old, multi-issue grassroots organization of Kentuckians inspired by a vision, working for a brighter future for all people, no matter our color, where we come from, or how much money we have. Together, KFTC members organize for a fair economy, a healthy environment, new safe energy, and an honest democracy. KFTC has fourteen chapters across the state - including a prominent chapter in Lexington whose members are ratepayers in KU service territory-with 12,000 members in nearly all of Kentucky's 120 counties.

12. As an organization, KFTC has been involved with issues affecting low-income residential ratepayers for over 30 years, and has significant experience in educating the public and supporting both public comments and expert testimony in previous rate cases, and has gained a deep understanding of both the complexities of rate design and the interests of residential customers across the state. As a member-based organization with 2,878 KFTC members in the KU service territory, KFTC is uniquely positioned to be a voice for the needs and interests of KU residential ratepayers who are also KFTC members. These members include KU ratepayers Catherine Clement.

13. Without limitation, KFTC would address through the Joint Intervention the concerns of Kentucky solar customers and prospective solar customers in the maintenance of a fair net metering tariff for rooftop solar in the region as a way to manage energy costs and improve public health, and the concerns of members with low- and fixed-incomes with the fairness of the proposed rate structure and design, and cost allocation. KFTC will also address, through the Joint Intervention, concerns that the rate proposal disincentivizes energy efficiency and would pose a financial burden on households already facing a huge energy cost burden, in the middle of a pandemic. KFTC will also focus on the justification of the proposed capital investment of smart meters, which

KFTC believes are of questionable value to ratepayers. Finally, KFTC will focus on the impact of the proposed net metering tariff on KU ratepayers.

14. It is clear that KFTC has a special interest in the case that is “not otherwise adequately represented” and alternatively that KFTC’s participation as a Joint Intervenor “is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.”

15. The Kentucky Solar Energy Society, Inc, (KYES) is a non-profit corporation in good standing, incorporated under the laws of the Commonwealth of Kentucky, with its principal office at 4715 Southern Parkway, Louisville, Kentucky 40214. The mission of KYES is to promote the use of renewable energy resources, energy efficiency, and conservation in Kentucky through education, advocacy, networking, and demonstration of practical applications.

16. KYES is comprised of members who include numerous residential solar energy customers in the KU service territory; solar energy enthusiasts (including potential future solar customers); professionals working in the clean energy field in business, non-governmental organizations, and academia; and advocates for a transition to a clean energy economy.

17. Andy McDonald, who is the KYES vice-chair, participated in PSC Case No.2008-00169 on behalf of Appalachia-Science in the Public



Interest (ASPI). In this capacity McDonald helped produce the Kentucky Interconnection and Net Metering Guidelines which resulted from this collaborative case. He has continued during the subsequent 12 years to work with solar energy in Kentucky, and his anticipated testimony would bring both historical knowledge and relevant recent experience to the net metering tariff and solar valuation issues. Further, Andy McDonald is a customer of Kentucky Utilities and has been a customer-generator under the current KU net metering tariff since 2011.

18. Without limitation, KYSES would, as one of the organizations comprising the Joint Intervenors, 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.

19. It is clear that KYSES has a special interest in the case that is “not otherwise adequately represented” and alternatively that KYSES’s participation as a Joint Intervenor “is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.”

WHEREFORE, for the reasons stated above, Joint Movants MA, KFTC, and KYSES respectfully request to be accorded the status of full Joint Intervenors, and that each party to the case be directed to serve upon

the undersigned counsel, all future pleadings and documents that are filed in this case.

Respectfully submitted,



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#### CERTIFICATE OF SERVICE

This is to certify that electronic version of the Joint Motion of Mountain Association for Economic Development, Kentuckians for the Commonwealth, and Kentucky Solar Energy Society For Full Intervention AS Joint Intervenors, is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on December 21, 2020; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that in accordance with the March 16, 2020 Commission Order in Case No. 2020-00085 an original and ten copies in paper medium of the Motion will not be mailed until after the lifting of the current state of emergency.



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Tom FitzGerald

