

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

**In the Matter of:**

**ELECTRONIC APPLICATION OF KENTUCKY )  
UTILITIES COMPANY FOR AN ADJUSTMENT )  
OF ITS ELECTRIC RATES, A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO )  
DEPLOY ADVANCED METERING ) **Case No. 2020-00349**  
INFRASTRUCTURE, APPROVAL OF CERTAIN )  
REGULATORY AND ACCOUNTING )  
TREATMENTS AND ESTABLISHMENT OF )  
A ONE YEAR SUR-CREDIT )**

**AND**

**ELECTRONIC APPLICATION OF LOUISVILLE )  
GAS AND ELECTRIC COMPANY FOR AN )  
ADJUSTMENT OF ITS ELECTRIC AND GAS )  
RATES, A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO DEPLOY ) **Case No. 2020-00350**  
ADVANCED METERING INFRASTRUCTURE, )  
APPROVAL OF CERTAIN REGULATORY AND )  
ACCOUNTING TREATMENTS AND )  
ESTABLISHMENT OF A ONE YEAR SUR-CREDIT)**

**POST-HEARING REPLY BRIEF OF JOINT INTERVENORS**

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KFTC, KYSES and Metropolitan Housing  
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June 1, 2021

## INTRODUCTION

On May 3, 2021, the Public Service Commission (“Commission”) entered an Order directing that “[a]ll parties shall file a memorandum brief in support of their respective post-hearing positions on or before May 24, 2021. Briefs shall include support for the proposed settlement and each party’s position as to the cogeneration tariff and net metering issues even though those issues will remain the subject of additional proceedings.” The Commission Order further noted that after the filing of this initial memorandum brief and any responsive brief (to be filed on or before June 1, 2021), [t]his case shall stand submitted for a decision by the Commission effective 12:01 a.m., Eastern Daylight Time on June 2, 2021 with the exception of issues pertaining to the cogeneration tariff and net metering issues (Riders NMS-1 and NMS-2) which will be the subject of additional discovery and potentially a second hearing.”

Joint Intervenors Mountain Association (“MA”), Kentuckians For The Commonwealth (“KFTC”), and the Kentucky Solar Energy Society (“KYSES”) in Case No. 2020-00349, and KFTC, KYSES and the Metropolitan Housing Coalition in Case No. 2020-00350, file this reply brief in accordance with the May 3, 2021 Commission Order, addressing and responding to the arguments made by other parties in their May 24, 2021 filings.

For the reasons outlined below and in the Post-Hearing Brief of Joint Intervenors, Joint Intervenors respectfully request that the Commission reject the proposed Net Metering II tariff (“Rider NMS-2”) as unjust, unreasonable, unfair, and unsupported in law or in fact. Further, Joint Intervenors respectfully request, in light of the Commission’s May 14, 2021 Order in the case of *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 (“May 14, 2021 KPC NMS Order”) that after an additional opportunity for serving of data requests on LGE/KU, all parties be allowed to submit supplemental testimony addressing those revisions to the proposed Net Metering Service Tariff 2 (“NMS-2”) that would be needed in order to satisfy both the requirements of KRS Chapter 278 and the principles outlined by the Commission in the May 14, 2021 *KPC NMS Order*.

**I. RESPONSE OF JOINT INTERVENORS TO OPENING MEMORANDA OF ALL PARTIES OTHER THAN LGE/KU REGARDING RIDER NMS 2**

**A. Summary Of Post-Hearing Memoranda Regarding Net Metering And Cogeneration Tariffs**

In response to the Commission’s May 3, 2021 Order, several parties filed memoranda addressing the NMS 2 Tariff and cogeneration issues.<sup>1</sup>

Intervenors Louisville/Jefferson County Metro Government and Lexington-Fayette Urban County Government noted that even accepting the testimony of utility witness Seelye at face value and *without* consideration of any benefits provided by fed-in solar energy,

non-participating customers are subsidizing the net-metering customers at an amount not greater than \$0.02 per month. In other words, during the entire four year stay out provision contemplated by this settlement agreement, a non-participating customer would be paying a “subsidy” to net-metering customers of less than \$1.00. This miniscule amount belies the argument that this is a problem that needs to be corrected. . . . For the above-stated reasons, the Cities request that the PSC accept the Settlement and further reject any changes to the status quo for net metering.

*Louisville/Lexington Memorandum Brief*, at 2-3.

Regarding the net metering issues, Intervenor Sierra Club urged that the Commission adopt the recommendations of the Joint Intervenors and Intervenor Kentucky Solar Industries Association (KYSEIA):

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<sup>1</sup> Kroger Co., Walmart, Inc., and the United States Department of Defense and all Other Federal Executive Agencies all filed *Post-Hearing Briefs*, but took no position concerning the net metering or cogeneration issues.

For economy's sake, Sierra Club will not recount the evidence, analysis, and arguments in the record that favor the net metering tariffs advocated by Joint Intervenors and KYSEIA, respectively, over the tariffs requested by Louisville Gas and Electric Company. Instead, Sierra Club simply refers the Commission to the testimonies and post-hearing briefs filed by Joint Intervenors and KYSEIA. Alternatively, if and to the extent that the Commission is not inclined to adopt the net metering recommendations of either of those parties, Sierra Club urges the Commission to apply, in this case, the same analytical framework that the Commission recently applied in setting net metering tariffs for Kentucky Power Company in Case No. 2020-00174 (to the extent that framework is distinct from what Joint Intervenors and KYSEIA recommend).

*Sierra Club's Post-Hearing Brief*, pp. 1-2.

The *Kentucky Solar Industries Association, Inc. Joint (sic) Post-Hearing Memorandum Brief* opposed the Companies' net metering and export rate proposals as being "inadequate, fail[ing] to demonstrate fair, just and reasonable rates, and fail[ing] to meet their burden of proof." KYSEIA agreed with the principles established by the Commission for Kentucky Power Company in its May 14, 2021 Order in Case No. 2020-00174 (also "KPC Order"). KYSEIA further demonstrated the inadequacies of the proposed Rider SQF and LQF, and made recommendations concerning factors to be considered in determining avoided energy costs, contract term for Rider SQF, and regarding proposed changes in the LQF methodology for establishing energy rates. Joint Intervenors have previously endorsed KYSEIA's comments regarding the cogeneration tariff issues and do so again here.

The *Joint Post-Hearing Brief Of The Kentucky Attorney General and the Kentucky Industrial Utility Customer, Inc.* recommended that the Commission adopt "the Companies' proposals." That brief argues that the use of "dollar value" in KRS 278.465(4) means "fair market value" and limits the compensatory credit to the avoided cost of the energy. Additionally, AG/KIUC argues that under KRS 278.466(5) the companies are entitled to recover all fixed and demand-based costs of serving the net-metering customers, and supports LGE/KU doing so in the future. Joint Intervenors respond to the question of statutory construction and intent below.

As to the second point, LGE/KU have not proposed any change pursuant to KRS 278.466(5), so the AG/KIUC's support for their doing so in the future has no bearing on the case at bar.

**B. The Use of the Phrase “Dollar Value” Does Not Predetermine The Compensatory Credit Value To Be Assigned By The Commission For “Fed-Back” Solar**

AG/KIUC argue that the use of the phrase “dollar value” in KRS 278.465(4) must be read as “fair market value” and that the Commission has no discretion in setting the value to be assigned to renewable energy “fed-in” to the grid by a net-metering customer. *Joint Post-Hearing Brief Of The Kentucky Attorney General and the Kentucky Industrial Utility Customers, Inc.*, p. 14. The AG/KIUC argument that using the phrase “dollar value” “dictates” that that only the “fair market value” should be paid, is wholly without statutory basis.

Initially, the term “dollar value” is not defined by statute, and there is no indication that the use of that phrase bespeaks an intention by the General Assembly to set that value at the fair market value. If the General Assembly had intended to predetermine the value of the compensatory credit to be assigned to “fed-in” solar electricity, it would have done so, since it is familiar with the term as used to determine compensation owed.<sup>2</sup>

Rather, it is evident from the use of the term “dollar value” that, in replacing the kilowatt/hour-based credit with a “dollar-denominated” credit, the General Assembly intended that the Commission set that value. KRS 278.465(4) defines “net metering” as the difference between the “[d]ollar value of all electricity generated by an eligible customer-generator that is fed back to the electric grid over a billing period **and priced as prescribed in KRS 278.466,**” and the “[d]ollar value of all electricity consumed by the eligible customer-generator over the same billing period **and priced using the applicable tariff of the retail electric supplier.**”

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<sup>2</sup> Where the General Assembly intended that “fair market value” be used as the basis for determining compensation, it has done so intentionally. See: KRS 416.660 (using fair market value in setting condemnation compensation);

(Emphasis added). Plainly, the dollar value of the fed-back electricity is not predetermined by statute but instead is to be “priced as prescribed in KRS 278.466,” and the price for electricity consumed by the eligible customer-generator is to be that in the applicable tariff of the retail electric supplier. KRS 278.466(3) provides that the eligible customer-generator shall be compensated for all of the produced electricity that flows into the grid, at “[t]he rate to be used for such compensation **shall be set by the commission** using the ratemaking processes under this chapter[.]” (Emphasis added). If the General Assembly had, by virtue of using the phrase “dollar value,” intended to predetermine the compensatory value to be accorded fed-back electricity, it would not have charged the Commission with determining that value in the context of a Chapter 278 ratemaking process. There is no merit in the AG/KIUC argument, and accepting their proposition requires ignoring the plain language and intent of KRS 278.465(4) and KRS 278.466(3).<sup>3</sup>

## II. RESPONSE TO LGE/KU POST-HEARING BRIEF

LGE/KU submitted a post-hearing brief supporting the *Stipulations and Recommendations* and requesting Commission approval of the proposed Rider NMS-2. *Joint Post-Hearing Brief Of Kentucky Utilities Company And Louisville Gas And Electric Company* (“*LGE/KU Brief*”). Joint Intervenors respond to each point raised by LGE/KU in turn.

### **A. Whether Current Net Metering Customers Are Receiving “Significant Subsidies” Is Anything But “Unrebutted” – Absent A Benefit-Cost Analysis No Subsidy Can Be Proven**

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<sup>3</sup> Joint Intervenors do appreciate the recognition by the AG/KIUC in its discussion of the Retired Asset Recovery Rider, that heightened concern over carbon dioxide emissions will have a material effect on Kentucky’s coal-fired generation fleet. *AG/KIUC Brief* at p. 2. This recognition underscores that the Commission was correct in identifying avoided carbon costs as a benefit in valuing rooftop solar. May 14, 2021 Order, Case No. 2020-00174.

LGE/KU opens its defense of Rider NMS-2 with the boldly inaccurate assertion that “the unrebutted evidence in these proceedings is that the Companies’ current net metering customers are receiving significant subsidies[,]” citing to the Rebuttal testimony of company witness Seelye. As aptly noted by Intervenor Louisville/Jefferson County Metro Government and Lexington-Fayette Urban County Government, even if one accepts the Seelye testimony and ignores the benefits provided by fed-back solar energy, “during the entire four year stay out provision contemplated by this settlement agreement, a non-participating customer would be paying a “subsidy” to net-metering customers of less than \$1.00.” *Louisville/Lexington Memorandum Brief*, pp. 2-3. Joint Intervenor agree with the characterization of the potential non-participating customer impact as being “miniscule.” *Id.*

The miniscule level of the purported cross-subsidy raises two important considerations for the Commission. First, the purported amount does not justify the administrative burden expended in this adjudication as a matter of administrative efficiency. The Companies’ proposed solution is disproportionate to the size of the purported problem to be addressed and would have outsized impacts on the market for competitive non-utility services and investments. Second, the tiny amount of the supposed intraclass-subsidy and the lack of data-backed analysis suggests there is a very high likelihood of error in the Companies’ assumptions, and that in fact, any subsidies that exist are offset by benefits received (and ignored) by the utilities and their non-generating customers. Several of the value components identified by the Commission in the Kentucky Power Case are large enough to overwhelm the alleged subsidy flowing to net metering customers asserted by the utilities.

The suggestion that any subsidy exists is belied by the testimony of company witness Conroy, who rejected the premise that the \$12.00 per year paid for DSM programs by non-

participating residential customers was a subsidy because the DSM offerings “passed cost-benefit tests and they benefit the whole system.” *April 28, 2021 Hearing*, 9:31:43 through 9:37:42. In the acknowledged absence of any comparable benefit-cost analysis conducted by LGE/KU regarding the supposed rate effect on non-participating customers, the existence of any subsidy and the direction in which any “subsidy” flows, is a matter in dispute and is hardly settled or “unrebutted” as claimed by LGE/KU.

**B. LGE/KU Concedes That The Avoided Cost Of Energy Production Is Not The Sole Factor In Determining The Appropriate Compensatory Credit Rate For Fed-Back Solar**

Since the beginning of these parallel proceedings, LGE/KU have steadfastly argued that the only compensatory credit rate for fed-back solar energy should be their “avoided production cost of energy as approved by the Commission in Rider SQF.” *LGE/KU Brief* p. 15. Yet in the *LGE/KU Brief*, the companies concede that adjustment to that rate is appropriate where there is evidence of cost savings:

If the Commission were to deviate from that cost, a small adjustment for avoided losses (no more than 6%) might be plausible. But there simply is no evidence for any other increase to the proposed Rider NMS-2 compensation rate: there is no evidence in these proceedings of *any* avoided distribution, transmission, or generation capacity cost resulting from net metering. Moreover, all of the other categories of supposed benefits of net metering that certain intervenors have proposed be included are either benefits directly received by net metering customers (so-called “host benefits”) that are unnecessary to compensate because to do so would be double-compensation, or they are externalities, such as claimed environmental or health benefits, which the Commission has clearly stated it cannot take into account to the extent they do not affect utility rates. Therefore, the Companies’ proposed Rider NMS-2 compensation rate, perhaps adjusted for system losses, is the most fair, just, and reasonable rate for all customers to pay for intermittent, as-available energy unsupported by legally enforceable obligations.

*Id.* p. 15.

In deconstructing that argument, there are two points that are significant, and which highlight the analytical and practical inadequacy of the proposed Rider NMS-2.



The first is the grudging and belated acknowledgment by LGE/KU that it would be reasonable for the Commission to adjust the SQF “avoided cost” to include “avoided losses.” The second is that where there is evidence of “avoided distribution, transmission, or generation capacity cost resulting from net metering[,]” those cost savings should be evaluated. It is vital that the Commission recognize that the debate about costs, benefits, and avoided costs can only be fairly had based on data, and it is the utilities that have access to the necessary data, even if they choose not to collect or share it. The Companies’ position reflects a recognition of this fact despite failing to own that they have not produced the evidence that would allow evaluation of the benefits and costs of distributed generation to the system.

This Commission has determined, both in the context of determining the appropriate “export rate” for fed-back solar, and for the purposes of rate design, that the principles outlined in the May 14, 2021 Order in Case No. 2020-00174 should be followed. “While the principles above were offered in the context of compensating eligible customer-generators, similar principles apply to rate design. For a net metering tariff, design principles are relevant not only to the export rate structure, but also to the underlying retail rate that customer-generators pay for their energy consumption. When considering rate designs for either export or consumption, it is important to consider the above principles alongside the additional principles of stability and simplicity.” May 14, 2021 Order, Case No. 2020-00174, pp. 23-24.

LGE/KU dismisses, without basis or evidence, “all of the other categories of supposed benefits of net metering that certain intervenors have proposed be included” as being either “benefits directly received by net metering customers (so-called ‘host benefits’) that are unnecessary to compensate because to do so would be double-compensation,” or are “externalities, such as claimed environmental or health benefits, which the Commission has

clearly stated it cannot take into account to the extent they do not affect utility rates.” While convenient, LGE/KUs conclusory dismissal that all benefits are “directly received by net metering customers” and are “unnecessary to compensate” lack a shred of evidentiary basis and should be discounted as such. Similarly, dismissing “all of the other categories of supposed benefits of net metering” as “externalities,” is misplaced and contradicted by the company’s own witnesses. For example, witness Conroy acknowledged that issues associated with greenhouse gas emissions *are* considered by the companies in their resource planning, and that such considerations are not externalities. April 28, 2021 Hearing 9:39:53 – 9:40:22 (“I wouldn’t consider those externalities as we’re talking about here. I mean, part of our own evaluation we always look at carbon emissions and other regulations and sensitivities.”) Indeed, the companies externalized carbon and other environmental costs when determining rates for NMS-2, while acknowledging they otherwise do internalize those factors in their own forward-looking planning.

The lack of any evidence or analysis of “avoided distribution, transmission, or generation capacity cost resulting from net metering[,]” or the other avoided costs potentially associated with introduction of net metered electricity into the grid, is directly attributable to LGE/KU’s failure to have analyzed such potential cost savings. Witness Conroy acknowledged that the companies did not study the potential benefits of the inclusion of rooftop solar energy to the grid:

Q. Does the proposed reduction in the value of fed-in solar to match the SQF value consider any of the benefits of rooftop solar to the grid and to other customers?

A. Again, we did not look at the value that you’re proposing. We looked at the what is the appropriate cost for all customers to incur for energy that flows onto the system.

April 28, 2021 Hearing 9:48:52 – 9:49:39.

As recently acknowledged in the May 14, 2021 Commission Order in Case No. 2020-00174:

noting an intervening party’s failure to provide evidence regarding an issue does not equate to a shifting of the burden of proof, nor is it the case that a utility has met its burden of proof when the utility’s evidence is the only evidence in the record. When a utility meets its burden of proof, an intervening party has the opportunity, but not the requirement, to rebut the utility’s proof through evidence. When a party does not file certain evidence into a case record, the Commission typically makes note of that in an order to be thorough and avoid the misperception that a party’s argument has been omitted. Here, due to the novelty of establishing successor net metering rates, the Commission would have welcomed if the intervening parties had shared their expertise and experience in quantifying certain evidence, but we emphasize that the intervening parties did not have an affirmative obligation to do so. *See Case No. 2018-00358, Electronic Application of Kentucky-American Water Company for an Adjustment of Rates* (Ky. PSC Aug. 8, 2019), Order at 13–14.

May 14, 2021 Order, Case No. 2020-00174, p. 22 fn. 70.

The Companies’ acknowledge that the cost savings from “avoided distribution, transmission, or generation capacity cost resulting from net metering” are appropriate considerations; thus the proposed Rider NMS-2, which is not adjusted to consider any such benefits/cost savings, should be rejected. The Commission should set this matter for further proceedings in which to explore the existence and extent of such cost savings attributable to inclusion of net-metered electricity.

While the specific amounts associated with value components can and will differ between diverse utility companies, the framework established by the Commission in Case No. 2020-00174 is appropriately robust for application in these cases. Moreover, there are sound policy reasons for establishing a single statewide framework for the “dollar value” export rate analysis, including that such an approach will support the emergence of a strong job-creating and money-saving self-sustaining distributed solar industry in Kentucky, provide transparency in the analysis, improve both participating and non-participating customer understanding of the relative

costs and benefits of distributed solar investments, and support administrative efficiency in the setting of just and reasonable rates.

As we found in Case No. 2019-00256, “[t]he Commission must develop a process that identifies known or reasonably expected measurable costs and benefits that can be factored into the ratemaking process” for net metering rates that compensate eligible customer-generators for energy exported to the grid. While the record in this case does not offer quantitative evaluations of benefits and costs, the parties’ qualitative arguments demonstrated the need to evaluate a broad range of known or reasonably expected measurable benefits of eligible customer-generators, leading the Commission to incorporate additional avoided cost components beyond those proposed[.]

May 14, 2021 Order, Case No. 2020-00174, quoting Case No. 2019-00256, *Electronic Consideration of the Implementation of the Net Metering Act* (Ky. PSC Dec. 18, 2019), Order at 33.

The lack of fair and unbiased consideration by LGE/KU of the range of benefits/avoided expenses identified by the Commission in the May 14, 2021 Order, cries out for additional exploration.

### **C. The “Cost” To Be Paid For Fed-Back Solar Energy Cannot Be Determined Absent A Fair Evaluation Of Benefits**

Throughout this rate proceeding, LGE/KU witnesses have attempted to isolate the question of “what is the appropriate cost” to be paid for the fed-back solar energy, from the benefits that such energy provides through avoided expenses to the utility and other ratepayers. Yet, as this Commission acknowledged in the May 14, 2021 Order in Case No. 2020-00174, “an evaluation consisting of only the costs incurred [ ] would be deficient if the evaluation failed to consider known or reasonably expected measurable positive effects, or benefits, that accrue to [the utility]. Thus, to avoid bias, it is important to weigh the costs and benefits of a resource symmetrically.” *Id.* at p. 22.

While formerly raising the specter, through the testimony of witness Seelye, of the potential costs to the system caused by fed-back rooftop solar (costs that were later

acknowledged in post-hearing data responses by LGE/KU to Joint Intervenors to be non-existent for the two companies), the LGE/KU post-hearing brief now pivot (without the benefit of any study) to minimizing any value provided by net metered electricity. The Companies argue alternatively that there are no or minimal avoided transmission or distribution capacity costs, *LGE/KU Brief* at p. 16, or that “all of the other cost categories to which the order in the Kentucky Power proceeding assigned a dollar value—avoided energy cost, avoided generation capacity, avoided environmental compliance, and carbon cost— such avoided costs can be obtained for far less than the values ascribed to them in the order.” *Id.*, p. 17.

LGE/KU’s ever-shifting position concerning valuation of benefits in determining the appropriate compensatory credit, is more excuse than analysis. Consistent with the principles recognized by this Commission in the May 14, 2021 Order in Case No. 2020-00174:

- The benefits of incorporation of net-metered electricity should be compared with other energy resources using consistent methods, processes, and assumptions.
- costs and benefits of the resource should be weighed symmetrically.
- The analysis should be forward-looking, long-term, and incremental, ensuring unbiased evaluation of system resources, ensuring ratepayers are paying fair value for avoided future costs, and compensating eligible customer-generators fairly.
- Double counting certain benefits or costs more than once if they fall into multiple categories of benefit or cost, should be avoided. All impacts should therefore be clearly defined and carefully quantified.
- Ensuring transparency is a key principle. Transparency creates trust between parties and allows for a robust public process around resource evaluation. All relevant assumptions,

methodologies, and results from any party should therefore be clearly documented and available for stakeholder review and input.

May 14, 2021 Order, Case No. 2020-00174, at pp. 21-23.

LGE/KU's arguments fall woefully short of satisfying the unbiased, long-term, incremental, transparent, and fair comparative assessment of value of net-metered electricity that is called for in these principles. Instead, after admitting that such considerations were not included in determining what was the appropriate "cost" and compensatory credit to be accorded fed-back electricity from net-metered systems, the Companies began with the conclusion and cherry-picked information to justify the selected SQF value<sup>4</sup>, discounting without data or analysis any of the potential benefits identified by this Commission as being appropriate and necessary for a defensible export rate for fed-back solar.

**D. That The Proposed Rider NMS-2 Would Only Affect Future Net Metering Customers Does Not Make A Punitive And Confiscatory Tariff Any More Fair, Just, Or Reasonable**

At several junctures in the *LGE/KU Brief*, the companies note that only future net metering customers would be affected by the proposed changes in Rider NMS-2. *See: LGE/KU Brief* pp. 15, 18-19. The protection extended by the General Assembly to those taking service under the NMS-1 Tariff from changes in the compensatory credit or rate design, does not alter the punitive and confiscatory nature of the proposed changes, nor make a proposal that deliberately avoids consideration of the range of benefits provided by fed-back solar to the utility and other ratepayers, any more fair, just, or reasonable.

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<sup>4</sup> And, as Joint Intervenors previously noted, glossing over the numerous significant distinctions between a net-metering customer and an SQF, including that the net metering customer receives only a bill credit for fed-back generation, unlike an SQF who can cash the value of the power generated at wholesale.

## CONCLUSION

For the reasons stated above, and based on the testimony filed by Joint Intervenors in these cases and the *Post-Hearing Brief of Joint Intervenors*, Joint Intervenors respectfully request that this Commission:

1. Approve the *Stipulation and Recommendation* filed in Cases No. 2020-00349 and 2020-00350 as being fair, just, and reasonable;
2. Reject the proposed NMS 2 Rider as being unfair, unjust, and unreasonable in defaulting to the SQF tariffed avoided cost rather than providing an empirical and analytically sound basis for determining the benefits (i.e. avoided costs) associated with the introduction of renewable electricity into the grid through net metering;
3. Determine and declare that any LG&E and KU customer who has filed an application to take service under the NMS Rider 1 prior to the effective date of the final Commission Order in these cases establishing a different compensatory rate for fed-back solar electricity, shall be accorded legacy status under NMS-1 for the 25-year period established by statute;
4. Reject the LGE/KU proposed changes in or additions to the interconnection guidelines related to net metering as being inconsistent with KRS 278.467(2) and (3), which require each utility's interconnection guidelines to conform to the guidelines developed by the Commission;
5. Adopt a procedural schedule allowing for two additional sets of data requests, for filing of supplemental witness testimony addressing the proposed NMS 2 Rider in light of the principles adopted in the May 14, 2021 *KPC NMS Order*, and as deemed necessary by the Commission, a hearing regarding such information and testimony; and
6. For any and all other relief to which Joint Intervenors may appear entitled.

Respectfully submitted,



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2020-00350

### **Certificate of Service**

This is to certify that the electronic version of the foregoing *Post-Hearing Reply Brief of Joint Intervenors* is a true and accurate copy of the same document that will be filed in paper medium; that the electronic filing has been transmitted to the Commission on June 1, 2021; 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 this filing will not be mailed until after the lifting of the current state of emergency.



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Tom FitzGerald