

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) CASE NO. 2020-00349
METERING INFRASTRUCTURE,)
APPROVAL OF CERTAIN REGULATORY)
AND ACCOUNTING TREATMENTS, AND)
ESTABLISHMENT OF A ONE-YEAR)
SURCREDIT)

In the Matter of:

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

**JOINT OBJECTION OF KENTUCKY UTILITIES COMPANY
AND LOUISVILLE GAS AND ELECTRIC COMPANY
TO JOINT INTERVENORS' SEPTEMBER 17, 2021 ERRATA SHEET FILING**

Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) (collectively, the “Companies”) hereby object to the September 17, 2021 “errata sheet” filed by the Joint Intervenors.¹

¹ The Joint Intervenors are the Mountain Association, Kentuckians for the Commonwealth (“KFTC”), and Kentucky Solar Energy Society (“KYES”) in Case No. 2020-00349 and KFTC, KYES, and Metropolitan Housing Coalition in Case No. 2020-00350.

The Joint Intervenors were already straining the bounds of permissibility by filing what was supposed to be a simultaneous brief that included explicit rebuttal of a point made in the brief of the Attorney General and the Kentucky Industrial Utility Customers, Inc., which had been filed just hours earlier.² They now have clearly crossed the line; both due process and the Commission's explicit order about the closing of the record in these proceedings demand that the Commission disregard the Joint Intervenors' "errata filing."

What is styled as an "errata sheet" does not correct anything; rather, it submits new evidence into the record that could have and should have been introduced with Joint Intervenors' testimony, much less ten days after briefs were submitted. More specifically, the "errata sheet" introduces and performs an analysis on evidence from an Interagency Working Group report that appears nowhere in the record.³ Notably, the Commission has previously stricken new evidence submitted in briefs on due process grounds.⁴

Moreover, this asserted "errata sheet" is an effort to circumvent the Commission's August 19, 2021 Order, which clearly stated, "This case shall stand submitted for a decision by the

² Joint Intervenors' Supplemental Post-Hearing Brief at 18 (*italics in original*):

For its part, the Attorney General and KIUC support the Companies' position, mistakenly conflating net metering customers with PURPA QF facilities. Exemplary of this is the suggestion that net metering customers "dispatch back" electricity to the grid. *Joint Post-Hearing Brief of AG and KIUC p. 17*. Net metering retail customers do not "dispatch back" electricity - they feed electricity into the local grid incidental to their generation for use. The "dispatch" characterization is inapt for customer generators who may feed electricity into the local grid during daylight hours while consuming electricity from the grid on off hours and is a term applicable only to generators who sell for resale.

³ Note that the "LGE-KU Carbon" tab of the "errata" Excel file the Joint Intervenors filed on Sept. 17, 2021 provides no citation to the record for the cost data used in the analysis and pasted into tab "IWG Table A-1." Instead, it notes that the Supplemental Testimony of James Owen "discussed in his supplemental testimony (July 13, 2021), the guidance from the Interagency Working Group's Technical Support Document advises using a discount rate of 3% or lower in matters involving long-term, intergenerational impacts," which is accurate. *See* Owen Supplemental at 8-9. But Mr. Owen's testimony does not include the annual social cost of carbon data used in this new analysis, the new analysis itself, or the results of the new analysis; rather, all of that information was included for the first time in the purported "errata sheet" or the Joint Intervenors' Supplemental Post-Hearing Brief.

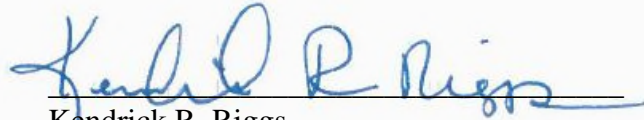
⁴ *See, e.g., Application of Water Service Corporation of Kentucky for an Adjustment of Rates*, Case No. 2013-00237, Order at 7 (Ky. PSC July 11, 2014).

Commission effective 12:01 a.m., September 8, 2021.”⁵ Therefore, the Commission must disregard this so-called “errata sheet.”

WHEREFORE, Kentucky Utilities Company and Louisville Gas and Electric Company for these reasons respectfully object to the Joint Intervenors’ September 17, 2021 asserted “errata filing.”

Dated: September 20, 2021

Respectfully submitted,



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⁵ Case Nos. 2020-00349 and 2020-00350, Order at 3 (Ky. PSC Aug. 19, 2021).

CERTIFICATE OF COMPLIANCE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on September 20, 2021; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



Kenneth R. Myers
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Louisville Gas and Electric Company