

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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 )  
RATES )

CASE NO.  
2023-00404

**COMBINED RESPONSE BRIEF**

Respectfully submitted,

/s/ David E. Spenard

Randal A. Strobo  
David E. Spenard  
STROBO BARKLEY PLLC  
730 West Main Street, Suite 202  
Louisville, Kentucky 40202  
Phone: 502-290-9751  
Facsimile: 502-378-5395  
Email: rstrobo@strobobarkley.com  
Email: dspenard@strobobarkley.com

*Counsel for KYSEIA*

June 14, 2024

Comes now the Kentucky Solar Industries Association, Inc. (“KYSEIA”) by and through Counsel and pursuant to the authority of the Kentucky Public Service Commission’s (“PSC” and “Commission”) April 30, 2024 Order for briefing procedures, submits its combined response to memorandum briefs filed by the Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU” and collectively “Companies”); the Joint Intervenors, Kentucky Solar Energy Society and Mountain Association (“Joint Intervenors”); and the Kentucky Office of the Attorney General (“OAG”) in the instant proceeding. A lack of discussion of any argument raised by another party does not constitute a concession of or agreement with the party’s argument through this pleading. KYSEIA states as follows:

- I. Reply to the Brief of Louisville Gas and Electric Company and Kentucky Utilities Company.<sup>1</sup>**
- A. There is no presumption that the Companies’ proposals are lawful or reasonable and establish fair, just, and reasonable rates.**

There is no presumption that the Companies’ proposals are lawful or reasonable and establish fair, just and reasonable rates. Contrary to the Companies’ position, there is no requirement through statute, administrative regulation, or Order of the Commission for any intervening party to file testimony into the instant case. KYSEIA is entitled to develop the record through requests for information and supply argument upon the entirety of the record (including, among other things, testimony submitted by other parties and responses to requests for information by other intervening parties and Commission Staff) without the necessity of tendering testimony.

---

<sup>1</sup> Hereinafter (“Companies’ Brief”).

The Companies, rather than KYSEIA, are seeking to change the status quo through revised tariffs containing new rates for Small Qualifying Facilities (“SQF”), Large Qualifying Facilities (“LQF”), and Net Metering Service-2 (“NMS-2”) rates. Although the Companies seek to change the status quo through a tariff filing, the nature of the Companies’ proposal is unmistakably a proposal to change their rates. The Commission, on its own motion, opened an investigation into the reasonableness of these tariffs.<sup>2</sup>

The burden of proof for the tariff proposals and their changes in rates is upon the Companies.<sup>3</sup> The Companies’ argument that KYSEIA’s decision to not submit testimony bears upon the burden that the Companies must meet is refuted by judicial opinion and Commission precedent.<sup>4</sup> The Companies fail to identify anything in KRS Chapter 278 or the Commission’s administrative regulations through which the absence of testimony by KYSEIA carries with it any presumption of lawfulness or reasonableness for their

---

<sup>2</sup> (Ky. P.S.C. Dec. 13, 2023) (Order opening investigation).

<sup>3</sup> See KRS 278.190(3) (“At any hearing involving the rate or charge sought to be increased, the burden of proof to show that the requested rate or charge is just and reasonable shall be upon the utility.”); see also KRS 278.190(1) (“Whenever any utility files with the commission any schedule stating new rates, the commission may, upon its own motion, or upon complaint as provided in KRS 278.260, and upon reasonable notice, hold a hearing concerning the reasonableness of the new rates.”).

<sup>4</sup> See *Energy Regulatory Commission v. Kentucky Power*, 605 S.W.2d 46, 50 (Ky. App. 1980) (even in a scenario in which the applicant’s evidence is uncontroverted or otherwise unrebutted, unexplained or unimpeached, that fact does not compel any finding in favor of the utility applicant); see also 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*, (Ky. P.S.C. Feb. 22, 2021) at page 26 (“Further, the Commission does not have a duty to refute evidence submitted to it by Kentucky Power because Kentucky Power has the burden of proof.”) (hereinafter “Case No. 2020-00174”); and Case No. 8836, *Notice of Adjustment of Rates of Kentucky-American Water Company*, (Ky. P.S.C. Dec. 20, 1983) at page 9.

proposals. Submission of testimony is not a condition precedent for pointing out logical errors, lack of consistency, and lack of reasonableness in the Companies' proposals.

KYSEIA, through its intervention and in furtherance of assisting the Commission to the greatest degree possible in view of its resources, developed the record and provided its expertise and argument upon the issues and facts of the Companies' proposals. The fact that KYSEIA did not (also) submit testimony "challenging the rates or components the Companies calculated"<sup>5</sup> carries with it no presumption in favor of the Companies' proposals.

**B. The Companies' discussion concerning Avoided Energy Cost calculated in Response to PSC 3-5 omits the obvious.**

The Companies express dissatisfaction with the avoided energy cost calculations supplied in their response to Item 5 of Commission Staff's Third Request for Information.<sup>6</sup> While urging adherence to the Orders in Case No. 2020-00349<sup>7</sup> and Case No. 2020-00350,<sup>8</sup> they omit the significant observations made by this Commission in Case No.

---

<sup>5</sup> Companies' Brief at page 1.

<sup>6</sup> Companies' Brief at pages 5 and 6 which discusses their Response to Commission Staff's Third Request for Information, Item 5 ("Response to PSC 3-5").

<sup>7</sup> *Electronic Application of Kentucky Utilities Company for An Adjustment of Its Electric 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*, (Application filed Nov. 25, 2020) (hereinafter "Case No. 2020-00349").

<sup>8</sup> *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 Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, (Application filed Nov. 25, 2020) (hereinafter "Case No. 2020-00350").

2022-00402<sup>9</sup> after the rate case Orders. The Companies' analysis is, therefore, myopic. The approach in PSC 3-5 seeks harmony between the rate case Orders and the facts and circumstances of these proposals following Case No. 2022-00402.

As stated clearly and concisely by the Commission:

It has not escaped the Commission's notice that despite denying that the Solar PPAs provide capacity, LG&E/KU now acknowledges, in briefing and hearing testimony, that the Solar PPAs "provide not only energy but also capacity." The record is replete with references that LG&E/KU included the Solar PPAs' 637 MW in their economic analysis, LOLE reliability analysis, and target reserve margins to meet customer needs throughout the year.<sup>10</sup>

In comparing the rate cases with Case No. 2022-00402, the inconsistency and discontinuity between the Companies' claims used to support artificially low QF avoided cost rates and the Companies' claims used to support their request for Commission approval of Solar PPAs and Company-owned solar projects is quite remarkable. The Companies' argument against using the methodology applied in Response to PSC 3-5, for calculating avoided energy costs is directly at odds with the Companies' use of the Solar PPAs in their economic analysis, LOLE reliability analysis, and target reserve margins to meet customer needs in Case No. 2022-00402, and the methodology used to calculate avoided energy costs in response to PSC 3-5 should be applied to avoided cost rates.

---

<sup>9</sup> *Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates and Approval of Demand Management Plan and Approval of Fossil Fuel-Fired Generating Unit Retirements*, (Application deemed filed Jan. 6, 2023) (hereinafter "Case No. 2022-00402").

<sup>10</sup> Case No. 2022-00402 (Ky. P.S.C. Nov. 6, 2023) at pages 128 and 129 (with discussion of the applicability of precedent).

**C. The Companies' utility-scale solar to rooftop solar argument should be ignored.**

As part of their rebuttal testimony and in their initial brief, the Companies urge a specific technology-to-technology analysis through which they offer the view that utility-scale solar establishes a cap on the NMS-2 compensation rate.<sup>11</sup> It should be ignored because it was offered through rebuttal testimony when the underlying premise was known to the Companies at the time they filed new tariffs. Therefore, it is a premise that has evaded discovery.

The alleged comparison offers the claim that the Companies are overvaluing the NMS-2 export rate (and, in turn, the shared components of the QF rates) compared to their recently approved market price of utility-scale solar.<sup>12</sup> Even in the absence of discovery, it is a meaningless comparison in this context because the "market price of utility-scale solar" to which the Companies refer is based on their Marion County and Mercer County Solar Facilities<sup>13</sup> which are each 120 MW-AC facilities<sup>14</sup> while QFs have a maximum size of 80 MW and NMS-2 systems are limited to 45 kW. Further, the Orders in Case No. 2020-00349 and Case No. 2020-00350 established setting avoided cost rates

---

<sup>11</sup> Companies' Brief at page 3.

<sup>12</sup> Companies' Brief at page 16 ("In short, the market price of utility-scale solar should always be the *most* customer have to pay for the sum of the five NMS-2 components describe above [that is, the QF avoided cost portion of the NMS-2 export compensation] (emphasis in original).")

<sup>13</sup> Companies' Brief at page 16.

<sup>14</sup> Case No. 2022-00402, Joint Application (as tendered, Dec. 15, 2022) at pages1 and 2; (Ky. P.S.C. Nov. 6, 2023) at page 17.

based on a hypothetical CT for capacity rates and marginal system energy costs for energy rates (in terms of consistency with prior rate case Orders).

A close examination of the costs included in their "market price" utility-scale solar reveals the Companies are excluding cost components, risk-reduction benefits, and operating assumptions in their proposed avoided cost calculation that the Companies included to support their own projects in the CPCN proceeding in Case No. 2022-00402. The Commission approved the CPCNs for the Marion County and Mercer County Solar Facilities not only on the basis of cost reductions, but also the facilities' other benefits such as "mitigat[ing] fuel price and regulatory risk."<sup>15</sup> Because the benefits of fuel price and regulatory risk mitigation are applied to the Commission's evaluation and approval of utility-owned solar, it would be inconsistent to not likewise apply them to avoided costs rates for QF and NMS-2 solar. The avoided cost rates for QFs and NMS-2 should be adjusted upward to reflect the value of fuel price and regulatory risk mitigation benefits in order to avoid discriminating against non-utility-owned generation.

The Companies proposal to self-build the Mercer County Solar Facility in Case No. 2022-00402 was approved along with the Companies' request for construction financing for the facility.<sup>16</sup> In addition to construction financing costs, the Companies will undoubtedly incur interconnection costs for the facility and KU also incurred land acquisition costs for 858 acres, a portion of which was intended for construction of a solar generating facility, at \$20,820 per acre.<sup>17</sup> These three costs incurred by the Companies

---

<sup>15</sup> Case No. 2022-00402 (Ky. P.S.C. Nov. 6, 2023) at page 90.

<sup>16</sup> Case No. 2022-00402 (Ky. P.S.C. Nov. 6, 2023) at page 172.

<sup>17</sup> Case No. 2022-00402 (Ky. P.S.C. Nov. 6, 2023) at page 6.

are necessary and determined reasonable by the Commission for construction of a utility-owned and -built solar generating facility and, as such, should also be added to the determination of avoided capacity costs in order to not discriminate against QFs.

807 KAR 5:054 Section 1 (Definitions) (1) sets for the following definition. “Avoided costs’ means incremental costs to an electric utility of electric energy or capacity or both which, if not for the purchase from the qualifying facility, the utility would generate itself or purchase from another source.” The Companies’ suggestion cuts against the proper framework (including Commission precedent) because it adds a technology-to-technology component to the definition that fails as an appropriate approximation of the Companies’ actual avoided costs. Also, it underestimates the costs of the Companies’ utility-scale solar.

**D. The Companies do not appear to be correctly calculating the export rate through use of the total MWh exported to the grid (but are instead using total MWh generation).**

The Companies’ witness Stuart A. Wilson, through his Rebuttal Testimony, correctly recites that the Commission established eight (8) components for setting NMS-2 rates.<sup>18</sup> These components were established in Case No. 2020-00174, the Kentucky Power Company rate proceeding which considered setting NMS-2 rates as a matter of first impression in the aftermath of changes to the net metering law.

The pertinent part of the relevant Order in Case No. 2020-00174 is a Commission description of adjusting the calculation of avoided transmission and distribution capacity costs so that the full value of these avoided costs is accounted for in the export

---

<sup>18</sup> Rebuttal Testimony of Stuart A. Wilson (hereinafter “Wilson Rebuttal”) (filed Apr. 4, 2024) at page 7.



compensation rate.<sup>19</sup> Rather than avoided transmission and distribution capacity cost divided by total MWh generation, the Commission used avoided transmission and distribution capacity cost divided by total MWh exported to the grid.<sup>20</sup> It appears, in the instant case, that the NMS-2 export rates are not calculated based on when NMS-2 customer-generators actually export power to the grid but are based upon total solar production. Again, if the Companies urge consistency with prior rate Orders, they should do so for all purposes.

**E. The Companies incorrectly interchange the phrase “next rate case filing” with “next base rate case” filing.**

The Companies expended considerable effort in Case No. 2020-00349<sup>21</sup> and Case No. 2020-00350<sup>22</sup> to secure a Stipulation and Recommendation for a variety of issues presented in those proceedings. In furtherance of the securing agreement to the Stipulation and Recommendation, the Companies offered and agreed to a four-year “base-rate [case] ‘stay out.’”<sup>23</sup>

“Base-rate” is a specific term of art. In approving, with modifications, the Stipulation and Recommendation, the Commission, in numerous instances, set forth, in plain

---

<sup>19</sup> Case No. 2020-00174 (Ky. P.S.C. May 14, 2021) at pages 28 through 34.

<sup>20</sup> See Footnote 19 (immediately above).

<sup>21</sup> Case No. 2020-00349, Application (filed Nov. 25, 2020).

<sup>22</sup> Case No. 2020-00350, Application (filed Nov. 25, 2020).

<sup>23</sup> See Case No. 2020-00350, (Ky. P.S.C. Jun. 30, 2021) (Order approving Stipulation with modifications) at pages 13 through 15 and Appendix A at pages 3 and 4.

language text, requirements for the Companies’ “next general adjustment of base rates” or “next base rate case.” For examples:

LG&E commits to conduct a competitive bidding process for street lighting fixtures every five years and will complete such a competitive bid process prior to LG&E’s filing of the **next general adjustment of base rates (emphasis added)**.<sup>24</sup>

LG&E shall also establish clear and sufficient baseline on all benefits that includes items set forth in Appendix F, and affirmatively show that the projected savings can be achieved on an incremental basis. The first filing of this requirement shall be in LG&E’s **next base rate case (emphasis added)**.<sup>25</sup>

LG&E shall develop and implement a prepay program as well as develop DSM programs, including those that specifically target low-income customers. The prepay program shall be proposed in LG&E’s **next base rate case (emphasis added)**.<sup>26</sup>

LG&E shall, on or **before its next base rate case**, file with the Commission proposed Electric Vehicle tariffs for home or business charging. The tariff should be cost based, but should incent off-peak electric vehicle charging. **(Emphasis added.)**<sup>27</sup>

The initial plan on AMI obsolescence and replacement strategies shall be filed with LG&E’s **next base rate case (emphasis added)**.<sup>28</sup>

Finally, in its **next base rate case** LG&E shall indicate any other intended uses of data created by its proposed AMI systems. **(Emphasis added.)**<sup>29</sup>

---

<sup>24</sup> *Id.*, at page 12.

<sup>25</sup> *Id.*, at page 17.

<sup>26</sup> *Id.*, at page 18.

<sup>27</sup> *Id.*, at page 19.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*, at page 21.

Therefore, LG&E shall not depend on this study as a guide for revenue allocation and rate design in future rate case filings. LG&E shall file a cost of service study in its **next base rate case that uses a methodology approved by NARUC (emphasis added)**.<sup>30</sup>

LG&E shall also file testimony in its **next base rate case** justifying the continuation of the GLT especially given that the primary purposes of the rider have been addressed and completed. **(Emphasis added)**.<sup>31</sup>

Final determinations in Case Numbers 2020-00349 and 2020-00350 concerning, among other things, SQF, LQF, and NMS-2 were expressly excluded from the Commission's June 30, 2021 Order (in those proceedings) accepting, with modifications, the Stipulation and Recommendation.<sup>32</sup> Nowhere in the plain language text of the Commission's pertinent June 30, 2021 Order does the PSC order the deferral of evidence concerning any export rate cost component to the Companies' "next general adjustment of base rates" or "next base rate case."

Evidence concerning SQF, LQF, and NMS-2 rates was clearly relevant to the determinations yet to be made in those dockets (after the Commission's entry of its Order on June 30, 2021). The stay-out provision of the Stipulation and Recommendation approved, with modifications, on June 30, 2021 is irrelevant to the instant case (particularly since the Companies themselves made the choice to exclude these riders from the effect of the stay-out provision).

---

<sup>30</sup> *Id.*, at page 35.

<sup>31</sup> *Id.*, at page 68; *see also* the various Ordering Paragraphs contained in the same Order.

<sup>32</sup> Case No. 2020-00350, (Ky. P.S.C. Jun. 30, 2021) at page 76 – Ordering Paragraph 49.

The pertinent text relied upon by the Companies from the subsequent September 24, 2021 Order states, plainly: “The Commission directs LG&E/KU to evaluate job benefits and economic development as an export rate component for LG&E/KU’s **next rate case** filing (**emphasis added**).”<sup>33</sup> The Companies rewrite this Order from Case Numbers 2020-00349 and 2020-00350 to state something that the Order does not state. Specifically, the Order does not state that evaluation expected by the Commission is to be filed as part of the next base-rate case.

In the instant case, KYSEIA will (to simplify the issues in this portion of the response) accept the Companies’ premise that the September 24, 2021 Order does not expressly require an evaluation of job benefits and economic development as each pertains to export rates as a necessary element of a proposal for new SQF and LQF rates prior to the next rate case. That premise, however, cannot be accepted for the proposal for revisions to the NMS-2 rates.

The Companies concede that they were under “no obligation to address Rider NMS-2” as part of this rate tariff filing.<sup>34</sup> Once the Companies elected to propose a revision to net metering rates for which they were under no obligation to seek, they most certainly presented the Commission with rate adjustment proposals that are qualitatively different from the revisions to the SQF and LQF tariffs. The proposal to adjust net metering rates unqualifiedly opened the rates to a complete review and investigation as to their lawfulness and reasonableness. The Companies point to nothing in the Commission’s Orders from Case Numbers 2020-00349 and 2020-00350 or from the Order opening the

---

<sup>33</sup> Case No. 2020-00350, (Ky. P.S.C. Sept. 24, 2021) at page 58.

<sup>34</sup> Companies’ Brief at page 10.

investigation in the instant proceeding suggesting that there is any limitation to the Commission's review of the proposed net metering rates.

With respect to NMS-2, the instant case is "the next rate case filing," albeit through a tariff schedule proposing new rates outside of a base-rate case. The clear intent of the September 24, 2021 Order is to tie the presentation of the evaluation of job benefits and economic development to consideration of the components of the Companies' export rates as part of the Companies' next pursuit of a rate change for NMS-2 rates. The fact that the Commission did not use the phrase "next base-rate case" when describing the requirement corroborates, through plain language, the position that the Companies were not in any way relieved of their responsibility to conduct the evaluation and provide it in support of a proposal for changes to net metering rates. The Companies had clear notice of the Commission's expectation yet chose to ignore it when proposing new export rates.

The Companies' argument that they were not required to update Rider NMS-2 prior to the next base-rate case is of no moment in attempting to restrict investigation into the rate or limiting their burden of proof to only the segments of the export cost components that they elect to discuss.<sup>35</sup> Indeed, the notion that the Companies may unilaterally create immunity from the Commission's jurisdiction over their rates and service through such a guise is so fundamentally foreign to KRS Chapter 278 that no citation to authority should even be necessary.

KRS Chapter 278 assigns plenary jurisdiction over the Companies rates and service to the Commission,<sup>36</sup> and the Commission has continuing power to investigate

---

<sup>35</sup> Companies' Brief at page 10.

<sup>36</sup> KRS 278.030 and KRS 278.040.

any schedule stating new rates<sup>37</sup> and may investigate any rate or service upon its own motion.<sup>38</sup> The Companies' request and the Commission's approval of their self-imposed base-rate case stay-out did not create regulatory immunity from a comprehensive investigation into whether the current proposals result in fair, just, and reasonable rates nor does it support the position that the Companies need not support their proposals through evidence that the Commission has identified as necessary.

The plain language intent of the September 24, 2021 Order in Case Numbers 2020-00349 and 2020-00350 was for the Companies to evaluate this export rate cost components. The stay-out provision did not create any "safe harbor" for a failure to conduct the evaluation (because the stay-out provision, through the Companies' own words and actions) is irrelevant to the required evaluation and its presentation.

The irony, of course, is that the Companies chide the Joint Intervenors' presentation of testimony concerning the evaluation of job benefits and economic development, an evaluation that the Commission expressly identifies as relevant to determining issues for an export rate component. The Joint Intervenors, rather than the Companies, hit much closer to the mark in terms of meeting the expectations of the pertinent September 24, 2021 Order. (Irony aside, it is regrettable that approximately 33 months after the identification of the evaluation requirement, the Companies have nothing to offer on the subject other than their belief that it is, somehow, precluded by a stay-out provision that is irrelevant.)

---

<sup>37</sup> KRS 278.190(1).

<sup>38</sup> KRS 278.260(1).

**F. The Companies’ discussion regarding carbon omits the most significant factor bearing upon the Companies’ future – the objectives of its corporate parent PPL Corporation.**

PPL Corporation identifies “four pillars” of its strategy for a clean energy transition: “Decarbonize our Kentucky generation as coal units reach end of useful economic lives; Drive digital innovation and R&D to enable new technologies; Decarbonize our non-generation operations; and Position the grid as an enabler for clean energy resources and drive energy efficiency and demand-side management.”<sup>39</sup> Yet, in discussing avoided carbon and compliance costs, the Companies assail holistic testimony offered by the Joint Intervenors as having “no place in evaluating the avoided carbon costs component of Rider NMS-2 rates.”<sup>40</sup>

True enough: LG&E and KU, rather than PPL Corporation *per se*, are the entities whose rates and service are subject to the Commission’s jurisdiction. Still, it is unfortunate that the Companies assail as irrelevant a broad-based forward-looking consideration of their futures without carbon consistent with the logical and reasonable consequences of objectives established by the Companies’ own corporate parent.

**II Reply to Attorney General’s Brief.**

The memorandum Brief submitted on behalf of the Kentucky Office of the Attorney General is an unqualified endorsement of the Companies’ approach to net metering. While offering a bully pulpit survey of net metering policies in select other jurisdictions, it fails to reference, let alone examine, any evidence in the instant case (in the Application

---

<sup>39</sup> PPL Corporation 2023 Sustainability Report at page 15; retrieved from [https://www.pplweb.com/wp-content/uploads/2024/04/PPL\\_Corporation\\_2023-Sustainability-Report\\_FINAL.pdf](https://www.pplweb.com/wp-content/uploads/2024/04/PPL_Corporation_2023-Sustainability-Report_FINAL.pdf) (Jun. 12, 2024).

<sup>40</sup> Companies’ Brief at pages 14 and 15.

or the responses to the various requests for information) in support of its conclusion that the Companies' net metering calculation "appears justified and well-supported by the evidence in the record."<sup>41</sup> It fails to offer analysis concerning rates for qualifying facilities.<sup>42</sup>

### **III. Reply to Memorandum Brief of Joint Intervenors Kentucky Solar Energy Society and Mountain Association.**

KYSEIA states that the Memorandum Brief filed by the Joint Intervenors is appropriately skeptical of the Companies' approach to the avoided carbon benefits of distributed energy resources,<sup>43</sup> appropriately critical of the absence of any evaluation of job benefits and economic development as an export rate component,<sup>44</sup> and simply enough correct in pointing out that the utility-scale solar comparison is unreasonable.<sup>45</sup>

WHEREFORE, KYSEIA submits its combined reply to the initial memorandum briefs of the Companies and the remaining intervenors.

---

<sup>41</sup> Brief of the Attorney General at [unnumbered] page 6.

<sup>42</sup> See Brief of the Attorney General at [unnumbered] page 3. 2019 Ky. Acts ch. 101 (a.k.a. "Senate Bill 100") pertains to net metering. It does not contain requirements for SQF and LQF rates and service.

<sup>43</sup> Joint Intervenors' Brief at pages 4 and 5.

<sup>44</sup> Joint Intervenors' Brief at page 11.

<sup>45</sup> Joint Intervenors' Brief at pages 9 and 10.