

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matters of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR (1) A GENERAL	)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC	)	
SERVICE; (2) APPROVAL OF TARIFFS AND	)	CASE NO.
RIDERS; (3) APPROVAL OF CERTAIN	)	2025-00257
REGULATORY AND ACCOUNTING	)	
TREATMENTS; AND (4) ALL OTHER REQUIRED	)	
APPROVALS AND RELIEF	)	

**KENTUCKY SOLAR INDUSTRIES ASSOCIATION, INC.'S  
INITIAL POST HEARING BRIEF**

Comes now the Kentucky Solar Industries Association, Inc. ("KYSEIA"), by and through counsel, and, in accordance with the Public Service Commission's Order dated January 20, 2026, respectfully files this Initial Post Hearing Brief.

**I. INTRODUCTION**

On August 29, 2025, Kentucky Power Company ("KPC" or "Company") tendered an application seeking the Public Service Commission's ("PSC" or "Commission") approval of a general adjustment of its rates for electric service, approval of tariffs and riders, approval of certain regulatory and accounting treatments, and all other required approvals and relief. A "No Deficiency" letter was filed into the record by Commission Staff on September 4, 2025 through which the Company's application, as filed, was acknowledged as satisfying the minimum filing requirements on August 29, 2025.

The Commission entered Orders granting intervention to the following parties: the Kentucky Office of the Attorney General (“OAG”),<sup>1</sup> Kentucky Industrial Utility Customers, Inc. (“KIUC”),<sup>2</sup> SWVA Kentucky, LLC (“SWVA”),<sup>3</sup> Appalachian Citizens’ Law Center, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, and Mountain Association (collectively, “Joint Intervenors”),<sup>4</sup> and the Kentucky Solar Industries Association, Inc. (“KYSEIA”).<sup>5</sup>

The Commission’s procedures for processing the instant case include, among other things, discovery, the opportunity for intervening parties to file testimony into the record, and a public evidentiary hearing which included the opportunity for the Commission, its Staff, and the parties of record to examine witnesses who filed testimony into the record. Further, the Commission received into the record numerous written public comments, held Public Comments Meetings in each of Pike, Perry, and Boyd Counties, and received public comments during the evidentiary hearing proceedings at the Commission’s Offices in Frankfort.

Upon its own motion, the Commission held an informal technical conference on September 30, 2025.<sup>6</sup> Upon the motion of Kentucky Power Company, the Commission held informal conferences to consider the possibility of settlement or other matters that

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<sup>1</sup> Order (Ky. P.S.C. Aug. 13, 2025).

<sup>2</sup> Order (Ky. P.S.C. Sep. 30, 2025).

<sup>3</sup> Order (Ky. P.S.C. Oct. 10, 2025).

<sup>4</sup> Order (Ky. P.S.C. Oct. 10, 2025).

<sup>5</sup> Order (Ky. P.S.C. Oct. 10, 2025).

<sup>6</sup> Order (Ky. P.S.C. Sep. 11, 2025).

may aid in the handling and disposition of the case on December 15, 2025, and again on December 17, 2025.<sup>7</sup> On January 9, 2026, prior to the commencement of the evidentiary hearing, Kentucky Power Company, KIUC, and KYSEIA filed their *Joint Motion to Approve Settlement Agreement* which includes, among other things, the testimony of Cynthia G. Wiseman, Tanner S. Wolffram, Katherine I. Walsh, and David A. Hodgson.<sup>8</sup>

An evidentiary hearing was held on January 13, 14, and 15. In that the evidentiary hearing was held after the filing of the *Joint Motion to Approve Settlement Agreement* (and post-hearing discovery was also permitted),<sup>9</sup> both the Application and the proposed Settlement Agreement were placed before the Commission for the testing of the evidence presented in support and opposition of each. KYSEIA now submits its positions through this memorandum and respectfully requests that the Commission approve the Settlement Agreement in its entirety.

## **II. KYSEIA'S URGES THE ACCEPTANCE OF THE SETTLEMENT AGREEMENT.**

In support of its advocacy in the instant proceeding, KYSEIA filed into the record the testimony of Justin R. Barnes.<sup>10</sup> KYSEIA, through Mr. Barnes, addressed the Company's proposed COGEN/SPP tariff and PURPA Qualifying Facilities ("QFs").<sup>11</sup> The

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<sup>7</sup> Order (Ky. P.S.C. Dec. 12, 2025).

<sup>8</sup> Joint Motion to Approve Settlement Agreement (filed Jan. 9, 2026).

<sup>9</sup> Order (Ky. P.S.C. Jan. 20, 2026). The Commission's Order concerning post-hearing procedures did not direct the Company or the parties to discuss any expressly identified topic through the briefing process.

<sup>10</sup> KYSEIA Intervenor Testimony of Justin R. Barnes (filed Nov. 17, 2025) (hereinafter "Barnes Testimony"). Further, KYSEIA responded to data requests from Kentucky Power Company and Commission Staff, and Mr. Barnes was made available for examination during the evidentiary hearing.

<sup>11</sup> See Barnes Testimony (Nov. 17, 2025), pages 4 and 5.

recommendations are geared toward, among other things, providing “transparency and standardization” and eliminating “elements that are unnecessary and would be unduly burdensome, in particular for small QFs.”<sup>12</sup>

The Settlement Agreement includes, among other things, the following provisions.<sup>13</sup>

- The Company will update the language in its COGEN/SPP tariffs to remove the 45 kW minimum size threshold.
- The Company agrees that for COGEN/SPP customers that require a meter replacement earlier than their scheduled meter change, such replacement will be made with an Advanced Metering Infrastructure (“AMI”) meter to the extent the customer is within a district where AMI deployment has begun and the AMI network and equipment is available to serve that customer.
- Kentucky Power agrees to implement procedures for customers with behind-the-meter generation facility of 45 kW or less to enroll and take service under the Company’s COGEN/SPP tariff in a manner similar to how customers enroll and take service under Tariff N.M.S. II; provided, however, that there may be different requirements, including the interconnection agreement and more detailed operation profile information, that are specific to each class of service that are necessary for the Company to operate consistently with applicable state or federal regulations.
- Kentucky Power agrees to develop a form substantially similar to the form attached to the testimony of KYSEIA Witness Barnes for customers seeking to take service under Tariff COGEN/SPP with Qualifying Facilities with capacities less than 1 MW, which may be submitted instead of a FERC Form 556. To the extent a customer with a Qualifying Facility with capacities less than 1 MW completes a FERC Form 556, they may submit that in place of the aforementioned form.
- Kentucky Power will implement an application fee for customers seeking to connect distributed energy resources to its system that is calculated as follows: \$100 + \$1/kW of the proposed resource.

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<sup>12</sup> Barnes Testimony (Nov. 17, 2025), page 4, lines 18 through 21.

<sup>13</sup> See, for the identified terms and conditions of the Settlement Agreement, Testimony of Tanner S. Wolffram in Support of Settlement Agreement (filed Jan. 9, 2026), Exhibit TSW-S1, pages 11 through 13.

- Kentucky Power will not conduct a System Impact Study for distributed energy resources with capacities less than 100 kW, but must conduct technical reviews and screening for all resources that are proposed to be connected to its system. However, the Company agrees there will be no additional costs for such technical screening other than the aforementioned application fee.
- Kentucky Power will conduct interconnection studies within 140 days of receipt of a complete application for interconnection.
- Kentucky Power will not implement internal prohibitions on the ability of leased systems to participate in net metering and COGEN/SPP. Such systems, however, must comply with the requirements of state and federal law, including but not limited to KRS 278.465(1).

The result of each of the foregoing provisions is straight-forward, and each provision (and commitment by the Company) is lawful and reasonable. While the Settlement Agreement speaks for itself (and, further, while the Settlement Agreement does not constitute an admission by any party to the Settlement Agreement), the consensus reached by the parties to the Settlement Agreement on these points materially advances the objectives of transparency, standardization, and eliminating unnecessary or unduly burdensome elements for the customers and potential customers who seek service under the COGEN/SPP tariffs.<sup>14</sup> No remaining party demonstrated any of the foregoing provisions as unnecessary or unreasonable.<sup>15</sup>

While KYSEIA and the Company may still occupy different vantage points on some issues, the non-monetary benefits to customers sought through the proposed Settlement

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<sup>14</sup> Support for this position is through the plain language of the Settlement Agreement as augmented through the Testimony of Tanner S. Wolffram in Support of Settlement Agreement (filed Jan. 9, 2026), page S14 through S16, and the pre-hearing testimony of KYSEIA Witness Justin R. Barnes.

<sup>15</sup> Although this fact does not compel findings in favor of the Settlement Agreement, it certainly provides unequivocal support for the reasonableness of the Settlement Agreement and demonstrates that the burden of persuasion has been satisfied.

Agreement are significant and serve as a remarkably step forward and produce results wholly consistent with KRS Chapter 278 and in furtherance of reasonable rates and service. KYSEIA urges approval of the Settlement Agreement without modification.

There are a number of other terms and conditions for the Settlement Agreement upon which the Commission must make findings of fact and conclusions of law. For these remaining issues, KYSEIA (also) agrees with the Company and KIUC that the Settlement Agreement constitutes a reasonable resolution of all issues in the instant case and provides for fair, just, and reasonable rates. KYSEIA, therefore, incorporates by reference the arguments of the Company and KIUC in support of all remaining issues regarding the Settlement Agreement and KYSEIA's request for its approval without modification.<sup>16</sup>

### **III. CONCLUSION**

For the foregoing reasons, KYSEIA respectfully urges the acceptance of the Settlement Agreement (without modification) filed into the record of the instant case by and among Kentucky Power Company, KIUC, and KYSEIA.

Respectfully submitted,

/s/ David E. Spenard

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<sup>16</sup> As per the Settlement Agreement (Numbered Paragraph 9, page 2): When "viewed in its entirety," the Settlement Agreement "constitutes a reasonable resolution of all issues in this proceeding." In that KYSEIA did not file testimony into the record on all issues, it necessarily defers to the development of these issues by the Company and KIUC in support of the Settlement Agreement. KYSEIA respectfully submits that the combined advocacy of the parties to the Settlement Agreement (particularly the comparison of the Application as filed, the item-by-item Revenue Requirement recommendations of the KY OAG and KIUC through their pre-hearing testimony, and the impact of the Settlement Agreement upon the item-by-item recommendations) provides an evidentiary basis demonstrating the reasonable resolution of all issues in this proceeding.

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**NOTICE AND CERTIFICATION FOR FILING**

Undersigned counsel provides notices that the electronic version of the paper has been submitted to the Commission by uploading it using the Commission's E-Filing System on this 3<sup>rd</sup> day of February 2026. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), the paper, in paper medium, is not required to be filed.

/s/ David E. Spenard

**NOTICE CONCERNING SERVICE**

The Commission has not yet excused any party from electronic filing procedures for this case.

/s/ David E. Spenard