

August 23, 2019

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Jeb Pinney, General Counsel
Gwen Pinson, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601
gwen.pinson@ky.gov

**PUBLIC SERVICE
COMMISSION**

Re: *In the Matter of: Electronic Consideration of the
Implementation of the Net Metering Act;*
Case No. 2019-00256;
Comments Clarification

Dear Mr. Pinney and Ms. Pinson:

As you know, our firm represents the Kentucky Solar Industries Association, Inc. ("KYEIA"). The purpose of this letter is to request clarification regarding the method by which the public can submit comments to the Public Service Commission ("Commission") in Case No. 2019-00256.

KYEIA, its members, its supporters, and other potential commenters have received unclear direction as to how to submit comments, and the legal significance associated with those submitted comments. For example, Mr. Melnykovich, indicated that only comments and related documents "filed in paper form, or through the electronic filing procedure" will be included in the "official permanent case file." He also stated, "Comments in the main case file will be addressed specifically in the final report; those in the e-mailed public comment file may only be addressed generally."

Case No. 2019-00256 is an administrative case filed by the Commission. Unlike a rate case or other cases before the Commission, there are no "parties." Instead, the Commission has invited "comments from interested utilities and stakeholders in order to develop a record which the Commission can draw upon as it considers broad issues of implementation of the Net Metering Act as they apply to individual utilities." July 30, 2019, Order, Case No. 2019-00256 ("Ord.") at 1. The Commission has also invited comments "from any interested persons or entities regarding the implementation of the Net Metering Act." *Id.* at 2. The only apparent limitation as to who can submit comments is that the commenter must be "interested" in the implementation of net metering.

The Order also states, "Written comments should be filed no later than September 20, 2019. Written comments can be filed by mail or by hand delivery to the Commission at 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky, 40602-0615, or by using the Commission's electronic filing system." *Id.*

Yet, the Commission website¹ states:

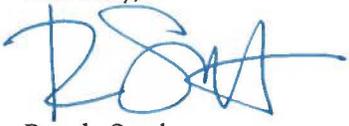
To submit a comment or ask about a case

Include the case number within the subject line of your email to the Public Information Officer psc.info@ky.gov and provide your full name and place of residence in the body of the e-mail.

NOTE Case-related comments submitted online or by other means while a case is in progress become a part of the official case record. All documents within a case record are publicly available online. Case-related comments submitted after a case has closed do not become a part of the official case record.

KYSEIA requests that all methods of submitting comments be treated equally and be given equal effect in this case. If the Commission decides otherwise, KYSEIA is requesting that the Commission clarify the proper method of submitting comments to the Commission in this case. If the Commission determines there is a distinction between submitting written comments, submitting comments through the e-file system, and submitting comments via e-mail, please explain any difference by which the Commission prioritizes, classifies, reviews, and responds to different methods of submitting comments. Also, please indicate how the manner by which the comments are submitted will change the compilation of comments into a final order and report and how those comments will be incorporated by reference into any ratemaking proceedings initiated by retail electric utilities pursuant to the Net Metering Act. See Ord. at 1.

Thank you for your attention to this matter. We look forward to hearing back from you soon.

Sincerely,


Randy Strobo
Clay Barkley
Strobo Barkley PLLC
Counsel for KYSEIA

cc: Kent A. Chandler, Assistant Attorney General

¹ See <https://psc.ky.gov/Home/Contact>, last visited August 23, 2019.