

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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)	CASE NO.
PRACTICES TO ESTABLISH REGULATORY)	2020-00174
ASSETS AND LIABILITIES; (4) APPROVAL OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY; AND (5) ALL OTHER REQUIRED)	
APPROVALS AND RELIEF)	

ORDER

This matter arises upon the motion of the Mountain Association for Community Economic Development (MACED), Kentuckians for the Commonwealth (KFTC), and the Kentucky Solar Energy Society (KYES) (collectively Joint Movants) filed July 27, 2020, for full intervention in this proceeding.

As a basis for the joint motion, Joint Movants stated that they will present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceeding. Joint Movants further stated that existing parties to the proceeding do not adequately represent Joint Movants' respective interests. Joint Movants also stated that they will jointly offer discovery, testimony, and witnesses, and that they will speak with one voice with coordinated participation. In support of their statement that they will present issues and develop facts to assist the Commission, Joint Movants stated the following:

- MACED is a nonprofit organization that, among other things, promotes renewable energy programs to residents, businesses, governments, and other nonprofits to reduce energy costs and consumption. MACED identified specific clients that receive electric service from Kentucky Power Company (Kentucky Power) and either take service under Kentucky Power's existing net metering tariff or will take service under Kentucky Power's proposed Tariff Net Metering Service II. MACED's special interest includes rate design, existing and proposed terms of Kentucky Power's net metering tariffs, transparency in net meter billing, and updating interconnection guidelines. MACED identified a witness with experience in a previous Commission proceeding¹ that developed guidelines for net metering interconnection standards who will provide expert testimony related to MACED's special interest.

- KFTC is a nonprofit organization that advocates for a broad range of economic and energy issues. Relevant here, KFTC participated as a party and filed public comments in previous cases, focusing primarily, but not exclusively, on low-income residential ratepayers, rate design, and energy efficiency. KFTC identified specific members that receive residential electric service from Kentucky Power. KFTC's special interest includes current and proposed net metering tariffs, rate structure and design as it affects low- and fixed-income customers and impacts energy efficiency, and Kentucky Power's proposed investment in advanced metering infrastructure (AMI) system.

- KYSES is a nonprofit organization that promotes renewable energy resources, energy efficiency, and conservation, and whose members include residential customers, professionals in the renewable energy field, nongovernmental organizations,

¹ Case No. 2008-00169, *Development of Guidelines for Interconnection and Net Metering for Certain Generators with Capacity Up to Thirty Kilowatts* (Ky. PSC Jan. 8, 2009).

and academics. KYSES identified a specific member who is a residential customer taking service under Kentucky Power's existing net metering tariff and is the executive director of an affordable housing organization that will offer solar net metering facility installation to customers who will take service under Kentucky Power's proposed Tariff Net Metering Service II. KYSES's special interest includes the development of net metering rates based upon a cost-benefit analysis, and updating interconnection guidelines. KYSES also identified a witness with experience in a previous Commission proceeding that developed guidelines for net metering interconnection standards who will provide expert testimony related to KYSES's special interest.

On July 29, 2020, Kentucky Power filed a response in opposition to the Commission granting intervenor status to KYSES. Kentucky Power did not object to granting intervention to MACED or KTFC if they do not duplicate discovery, testimony, or cross-examination.² As a basis for its opposition, Kentucky Power asserted that KYSES has the same interest in promoting solar energy and net metering interconnection as Kentucky Solar Industries Association, Inc. (KYSEIA), a nonprofit organization that was granted intervention, and therefore KYSES's interest is already represented. Kentucky Power further argued that KYSES and KYSEIA would likely seek the same information in discovery and make the same arguments regarding Kentucky Power's request for relief and therefore would unduly complicate and disrupt the proceedings. Kentucky Power maintained that, for these reasons, KYSES's request to intervene should be denied.

² The Commission notes that Joint Movants are represented by the same counsel and that Joint Movants' counsel explained that Joint Movants developed internal processes to ensure that their discovery, witnesses, and cross-examination would not be duplicative.

On July 30, 2020, KYSEIA filed a response to Kentucky Power's response, disputing that its interests were not fully aligned with KYSES and arguing that motions for intervention are accepted so long as they are timely, thus rejecting Kentucky Power's implicit argument that because KYSEIA filed and was granted intervention first, that KYSES's request should be denied. KYSEIA explained that KYSES is not a member of KYSEIA and that, while they may have overlapping interests in some areas, the interests and goals of the two organizations are not necessarily the same. KYSEIA urged the Commission to disregard Kentucky Power's opposition and to grant Joint Movants' motion to intervene.

Also, on July 30, 2020, KYSES filed its response to Kentucky Power's objection, setting forth discrete differences between KYSES and KYSEIA as evidence that KYSEIA serves a commercial constituency and therefore does not represent the same interest as KYSES. Specifically, KYSES maintained that, as evidenced by its membership fee structure and tax status, KYSEIA represents the interests of solar industry businesses and contractors as a trade group, while KYSES represents a broader audience, including general citizens who use or anticipate using solar energy, researchers, and academics. KYSES explained that, while KYSES and KYSEIA both support solar energy, KYSEIA will likely focus on commercial issues that pertain to the impact of the proposed Tariff Net Metering Service II on solar businesses, while KYSES will focus on ensuring that net metering tariffs are fair, just, and reasonable for urban, rural, low- and fixed-income customers, as well as to ratepayers who do not take service under net metering tariffs. KYSES maintained that, because the Joint Movants will present one set of witnesses and

testimony, make legal arguments, and serve and respond to discovery as one party, KYSES's participation will not unduly complicate or disrupt the proceeding.

Having reviewed the motions, responses, and case record, the Commission is not persuaded by Kentucky Power's response in opposition. It appears to the Commission that the Joint Movants' intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The Commission, being otherwise sufficiently advised, finds that Joint Movants should be granted full rights of a party in this proceeding.

In light of Joint Movants' statement that they will speak as one party, the Commission finds that Joint Movants should file a copy of all documents that evidence MACED's, KFTC's, and KYSES's agreement regarding their joint participation in this matter, whether the agreement is executed by email or in a written agreement.

Finally, the Commission directs the Joint Movants to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085³ regarding filings with the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency.

IT IS HEREBY ORDERED that:

1. The motion of Joint Movants to intervene is granted.
2. Joint Movants shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

³ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

3. Joint Movants shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.

4. Joint Movants shall adhere to the procedural schedule set forth in the Commission's July 14, 2020 Order and as amended by subsequent Orders.

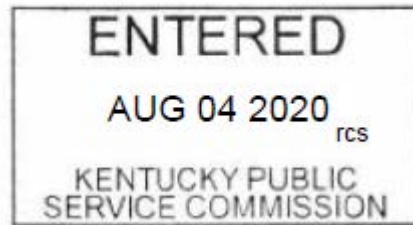
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, Joint Movants shall file a written statement with the Commission that:

a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

6. MACED, KFTC, and KYSES shall file a copy with the Commission of their agreement regarding their joint participation in this matter within ten days of entering into the agreement.

By the Commission



ATTEST:

A handwritten signature in blue ink, consisting of stylized initials and a surname, positioned above a horizontal line.

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