

September 23, 2024

Ms. Linda C. Bridwell, P.E.
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602

Re: *In the matter of Roger D. Shocklee, Complainant vs. Kenergy Corp* - Case
No. 2023-00421

Dear Ms. Bridwell:

Enclosed, please find for filing, Kenergy Corp.'s ("Kenergy") Response & Motion to Submit in the above-referenced matter.

This is to certify that the electronic filing has been transmitted to the Commission on September 23, 2024 and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,


Brittany Hayes Koenig

Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ROGER D. SHOCKLEE	COMPLAINANT)	
)	
V.)	CASE NO.
)	2023-00421
KENERGY CORP.	DEFENDANT)	

KENERGY CORP.'S
RESPONSE AND MOTION TO SUBMIT

Comes now Kenergy Corp. (“Kenergy or Company”), by counsel, and does hereby incorporate its responsive pleadings filed previously in this matter to respond to the Renewed Motion for Summary Disposition and Memorandum (“Complainant’s Motion”) filed by Mr. Roger D. Shocklee on or about September 17, 2024, and respectfully requests that this matter be submitted to the Commission for a decision on the record.

During the pendency of this matter, the Commission entered an Order on August 6, 2024 in Case No. 2023-00309, *An Electronic Petition of Kenergy Corp. for Declaratory Order*,¹ attached as Appendix D to the Complainant’s Motion. Kenergy respectfully states that the Commission’s August 6, 2024 Order sets forth a more limited interpretation of a “line section” than what Kenergy explained it had used to determine the amount of capacity available to Mr. Shocklee.² The issue in Case No. 2023-00309 involved Kenergy’s definition of a “line section” in order to quantify the amount of aggregate generation on the circuit, including the proposed generation facility, and the

¹ Case No. 2023-00309, *An Electronic Petition of Kenergy Corp. for Declaratory Order* (Ky PSC Aug.6, 2024).

² Kenergy’s Verified Response to Complainant’s Motion for Summary Disposition and Memorandum filed February 16, 2023, pp 7-9.

treatment of installation of solar facilities that are not in compliance with Kenergy's interpretation of Tariff Sheet 46.³ Kenergy applied to the Commission as a retail supplier of electric energy to ensure that its rural class members do not bear undue expense to pay for system upgrades that only benefit one member. In summary, even if Mr. Shocklee owned the property, the applications require more capacity than is available on the circuit, even given the most liberal definition of “line section,” and the Commission’s August 6, 2024 Order in Case No. 2023-00309 held that a more limited definition of “line section” applies.⁴ Mr. Shocklee proposes to use more power than is available and all of the power available on the relevant circuit for himself, and that circuit supplies over 400 other customers.

WHEREFORE, on the basis of the foregoing, Kenergy respectfully requests the Commission to deny Mr. Shocklee’s Renewed Motion for Summary Disposition and find that Kenergy’s Corp.’s application of its tariff was correct, or in the alternative that Kenergy Corp. apply the Commission’s definition set forth in its August 6, 2024 Order in Case No. 2023-00309, and reject Complainant’s Renewed Motion for Disposition and Complaint. Alternatively, Kenergy respectfully requests the matter be submitted to the Commission for a decision based upon the record.

This 23rd day of September 2024.

³ *Supra* ft. nt. 1.

⁴ *Id.*

Respectfully submitted,

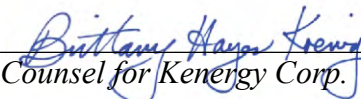


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CERTIFICATE OF SERVICE

This is to certify that foregoing electronic filing was transmitted to the Commission on September 23, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of the filing will be made.



Counsel for Kenergy Corp.