

DEC 23 2024

PUBLIC SERVICE
COMMISSION

December 23, 2024

Via Electronic Filing

Linda C. Bridwell, P.E., Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602

RE: KY PSC Case No. 2023-00421
Roger D. Shocklee, Complainant, versus Kenergy Corp, Defendant

Dear Ms. Bridwell:

Please accept the attached electronic version of Complainant's Application for Rehearing. The documents in electronic format are submitted with the request that they be filed into the record for KY PSC Case No. 2023-00421.

Counsel certifies that all material filed with the Commission in this electronic submission is a true representation of the materials prepared for the filing. The unbound original and ten (10) photocopies have been tendered to the Commission this day.

Please contact me if you have any questions regarding this filing.

Respectfully submitted,

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DEC 23 2024

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

APPLICATION FOR REHEARING

Comes now Roger D. Shocklee, Complainant, (“Mr. Shocklee” or “Complainant”) by and through counsel, and applies for rehearing of the Public Service Commission’s (“PSC” or “Commission”) December 4, 2024 Order in the instant case. KRS 278.400 authorizes applications for rehearing, and this request is timely-filed. The pleading does not involve the additional evidence provision of KRS 278.400 in that all evidence relied upon is already in the record for the instant case. Complainant states the following.

The Order contains material errors and omissions and numerous findings that are unreasonable in that they have no basis in the record or because they expressly contravene the only evidence in the record on the subject. The Order contains material errors and omissions and numerous conclusions that are unreasonable and unlawful because they contravene statute, administrative regulation, Commission Order, or stem from findings that have no legitimate basis in the record for the instant case.

The Order is unlawful and unreasonable because it fails to adjudicate the sole legal issue raised by the Complaint – whether Kenergy’s rejection of Mr. Shocklee’s interconnection applications for net metering service because he is not the fee simple owner of the property upon which the solar facilities were proposed for installation was legal. Kenergy violated the Filed Rate Doctrine through rejecting Mr. Shocklee’s applications based upon a prerequisite (property ownership) that was not and still is not in Kenergy’s Commission-approved tariffs. As stated in the Complaint, Mr. Shocklee requested, among other things, that the Commission:

Find that KRS 278.465 through KRS 278.468 do not establish ownership of the real property in fee simple of the premises upon which net metering service is located is a requirement of obtaining net metering service.¹

The Order finds, in material error:

On December 18, 2023, Roger D. Shocklee filed a complaint against Kenergy Corp. (Kenergy), alleging that Kenergy improperly denied two applications he filed to interconnect two planned solar electric facilities to Kenergy’s distributions system pursuant to Kenergy’s net metering tariff.²

The Order cites pages 3 and 4 of the Complaint as the foundation for this finding. The finding is clearly erroneous. A review of the pertinent pages relied upon by the Order demonstrates that no such allegation by Mr. Shocklee appears on those pages. The finding has no foundation in the evidence in the record. Instead, the following paragraphs on page 4 of the Complaint provide the actual statements and demonstrate the character of Mr. Shocklee’s allegation.

¹ Complaint (tendered Dec. 18, 2023), page 8, paragraph 9(g). (“Complaint, page ____.”)

² Order (Ky. P.S.C. Dec. 4, 2024), page 1.

Kenergy rejected each of these applications. The reason for the rejection is documented through a November 30, 2023 letter from Rob Stumph, P.E., Vice President, Eng./Ops. For Kenergy. (Exhibit "D" to this Complaint)

...

At pertinent part, Mr. Stumph states: Complainant's "application was rejected because he is not the owner of the property where the proposed solar facility was to be installed. KRS 278.465 defines an "eligible customer-generator" as one who owns and operates an electric generating facility ... located on the customer's premises."³

The Order opens with a material error through finding that Mr. Shocklee's Complaint raises an issue other than the lawfulness of Kenergy's **rejection** of his applications. The error is central to why the Order is unlawful and unreasonable and warrants rehearing. Mr. Shocklee has been seeking a determination that Kenergy's Commission-approved tariffs do not contain any property ownership prerequisite that prevents him from applying for net metering service.

Kenergy's **rejection** of his applications was based solely upon a property ownership prerequisite. Mr. Shocklee made clear in his Complaint that there had been no approval or denial of his applications. The sole question placed squarely before the Commission through the Complaint pertains to the legality of the rejection of his applications for review and processing (for approval **or** denial). From the Complaint:

Find that Kenergy, acting through Rob Stump, P.E., rejected Complainant's applications for net metering service interconnections for review and processing (for approval or denial).⁴

³ Complaint, page 4, paragraphs 8(j) and (k).

⁴ Complaint, page 7, paragraph 9(e).

Find that Kenergy's rejection of Complainant's applications for net metering service interconnection for review and processing (for approval or denial) was based upon the claim that Complainant "is not the owner of the property where the proposed solar facility was to be installed" and the further claim that "KRS 278.465 defines an 'eligible customer-generator' as one who owns and operates an electric generating facility ... located on the customer's premises."⁵

Find that Kenergy's rejection of Complainant's application for net metering service interconnection for review and processing (for approval or denial) was not based upon any claim of violation of any code, standard, or regulation related to reliability or safety.⁶

Find that the rejection of a net metering service interconnection application for review and processing (for approval or denial) is a practice or act affecting or relating to the service of the utility, and Complainant alleges that Kenergy's rejection of his applications is a practice or act that is unreasonable and unjustly discriminatory.⁷

Find that Kenergy's rejection of Complainant's net metering service interconnection applications for review and processing (for approval or denial) demonstrates that service cannot be obtained by Complainant.⁸

Find that Complainant's allegations and proof concerning Kenergy's rejection of this net metering service interconnection application for review and processing (for approval or denial) demonstrates a dispute between a retail electric supplier and an otherwise eligible customer-generator regarding net metering service.⁹

Conclude that if Kenergy desires to satisfy the complaint through accepting for review and processing (and approval or denial) Complainant's applications for net metering service

⁵ Complaint, page 7, paragraph 9(f).

⁶ Complaint, page 8, paragraph 9(h).

⁷ Complaint, page 8, paragraph 9(i).

⁸ Complaint, page 8, paragraph 9(j).

⁹ Complaint, page 8, paragraph 9(k).

interconnections, it shall include in its statement of relief filed a discussion of all Kenergy findings and conclusions regarding whether the generating facility can be safely and reliably connected to the Kenergy system if the proposed generating facility is alleged to meet all of the criteria set forth through Kenergy's Commission-approved tariffs for interconnection consequent to a Level 1 application.¹⁰

Mr. Shocklee objected and continues to object to the premise that either of his applications were denied by Kenergy. The applications were rejected. For example, in response to the Commission's data request:

Mr. Shocklee's applications were rejected by Kenergy and were not processed for approval or denial and formal action to approve or deny the applications did not occur and is not documented. To the extent that the data request requires Mr. Shocklee to speculate as to this matter in the absence of formal consideration of each application and formal documentation by Kenergy, Counsel objects.¹¹

Kenergy did not deny either application; therefore, Mr. Shocklee did not allege their denials. Kenergy stated numerous times that it rejected the applications based upon a property ownership prerequisite, a reason first documented through a November 30, 2023 letter from Rob Stumph, P.E., Vice President, Eng./Ops. For Kenergy.¹² At pertinent part, Mr. Stumph (on behalf of Kenergy) expressly states that the applications were rejected.

Mr. Shocklee's application [sic] was rejected because he is not the owner of the property where the proposed solar facility was to be installed. KRS 278.465 defines an "eligible customer-generator" as one who owns and operates an

¹⁰ Complaint, page 9, paragraph 9(p).

¹¹ Shocklee Response to Commission Staff's First Request for Information (filed Feb. 15, 2024), Item 4; see also responses to Items 1(b) and 3. ("Shocklee Response to PSC 1, ____".)

¹² Complaint, page 4, paragraph 8(j) and Complaint, Exhibit D.

electric generating facility ... located on the customer's premises."¹³

In its Answer to the Complaint, Kenergy confirmed that it had rejected the applications.

With respect to section 8(o) of the Complaint, Kenergy denies the averments made, and further states that Kenergy and its Commission-approved tariffs comply with KRS 278.466 and Kenergy has complied with its tariffs and KRS 278.466 in rejecting the applications at issue in Roger D. Shocklee's Complaint.¹⁴

Kenergy's rejection of the application serves as Kenergy's basis for refusing to process and review the applications. In numerous instances, Kenergy states that it terminated discussions of the applications based upon its position that Mr. Shocklee could not apply for net metering service because he did not own the property. Per the sworn testimony placed into the record by Kenergy:

Kenergy initially called Roger D. Shocklee to discuss the technical problems with the applications at issue, **however, when Mr. Shocklee confirmed that he did not own the property where the applications proposed to build facilities, I explained that the applications would be rejected** because he did not own the property and that is a requirement as set forth in Kenergy's Commission-approved tariff, and KRS 278.465. (Emphasis added.)¹⁵

The record clearly indicates Kenergy terminated discussions with Mr. Shocklee upon the rejections, and Kenergy unmistakably takes the position that it has no obligation

¹³ Complaint, page 4, paragraph 8(j) and Complaint, Exhibit D.

¹⁴ Kenergy Answer (filed Jan. 12, 2024), page 6, paragraph 25. ("Answer, page ____.")

¹⁵ Kenergy Verified Response to Complainant's Motion for Summary Disposition (filed Feb. 23, 2024), Exhibit B, testimony of Scott Heath, page 5 [PDF 25 of 27]. ("Kenergy Response to Motion for Summary Disposition, page ____.")

to further consider applications for net metering service tendered by Mr. Shocklee (which necessarily includes any subsequent applications filed by Mr. Shocklee using a Level 2 approach for interconnection) based upon the ownership prerequisite. Kenergy's position, therefore, is that Mr. Shocklee is without legal authority to apply for net metering service (whether through a Level 1 or a Level 2 application) because of the claim that he is not the owner of the property. From the record:

In fact, Kenergy states that it contacted Roger D. Shocklee on November 13, 2023 by telephone to explain why the proposed Application One and proposed Application Two or Exhibit C to Mr. Shocklee's Complaint did not meet the definition or requirements to be approved as an "eligible electric generating facility," because Roger D. Shocklee was the account holder with Kenergy related to the applications for facilities. On November 13, 2023, Mr. Roger D. Shocklee admitted that he did not own the premises to which Application One and Application Two pertained, at which point, Kenergy explained, practicing the policy it applies to all applications of like-kind in furtherance of its Commission-approved tariff, or Exhibit A to Mr. Shocklee's Complaint, that Mr. Roger D. Shocklee could not apply for an electric generating facility if he did not own the premises upon which the facility was to be located. Kenergy also discussed other elements of the application that did not meet the requirements **but stopped discussing the issues with the application upon confirming that Mr. Roger D. Shocklee was not the owner of the premises at issue and therefore, the applications were not eligible to be considered.** (Emphasis added.)¹⁶

...

[T]here is no requirement that Kenergy provide a written letter with the reasons for a denial of the application. Kenergy has communicated with its member and applied the law and its tariff in good faith. **There is also no obligation for Kenergy to continue to review the application and each of the requirements once Kenergy determines that the**

¹⁶ Answer, page 2, numbered paragraph 5.

application does not meet one of the necessary requirements. (Emphasis added.)¹⁷

...

Further, Mr. Shocklee's claim that Kenergy somehow violated its review of Mr. Shocklee's applications **because it found there was no need to review further after acknowledging that Mr. Shocklee did not own the property, is baseless.** There is no statute, administrative regulation, or tariff provision that requires Kenergy to accept an application for net metering. Also, **there is no statute, administrative regulation, or tariff provision that requires Kenergy to continue to review a net-metering application when it is rejected for failing the most basic requirement, ownership.** (Emphasis added.)¹⁸

The clear error demonstrated by the foregoing portions of the record supplied by Kenergy refute the finding in the December 4, 2024 Order. The record demonstrates that Kenergy terminated review of the applications and discussions with Mr. Shocklee on all subjects pertaining to the applications upon the claim that the applications could not be accepted because Mr. Shocklee failed a property ownership test. Mr. Shocklee's Complaint concerns the rejection of applications for net metering service and the exact same legal question remains present should Mr. Shocklee seek to apply for service under a Level 2 application. The finding in the Order that Mr. Shocklee alleges an improper denial is a material error, and the Order is unreasonable. The legal question is not moot.

The legal issue of whether Kenergy lawfully rejected the applications for net metering service has not been rendered moot through the discussion of the conditions for

¹⁷ Kenergy Response to Motion for Summary Disposition, unnumbered [PDF 7 of 27].

¹⁸ Kenergy Response to Motion for Summary Disposition, unnumbered [PDF 7 of 27].

a Level 1 interconnection. The Order is unlawful to conclude otherwise. Mootness pertains to the lack of meaningful effect from an adjudication.

As our courts have long recognized, “[a] ‘moot case’ is one which seeks to get a judgment ... upon some matter which, when rendered, for any reason, cannot have any practical legal effect upon a *then* existing controversy.” *Benton v. Clay*, 192 Ky. 497, 233 S.W. 1041, 1042 (1921) (citation and internal quotation marks omitted; emphasis in original).

Morgan v. Getter, 441 S.W.3d 94, 98–99 (Ky. 2014)

The legality of Kenergy’s **rejection** of Mr. Shocklee’s applications based upon the assertion that “he is not the owner of the property where the proposed solar facility was to be installed,”¹⁹ is a controversy that continues to exist and has a significant current effect upon Mr. Shocklee’s rights. The sole issue raised by Mr. Shocklee’s Complaint is not moot for two (2) wholly separate reasons.

The Order does not adjudicate the legal issue of whether Kenergy may likewise reject a Level 2 application based upon the property ownership prerequisite. Kenergy’s final pleading confirms that it continues to hold the position that its tariffs permit rejection of Mr. Shocklee’s application based upon Kenergy’s property ownership prerequisite.

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.

...

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.

¹⁹ See Order (Ky. P.S.C. Dec. 4, 2024), page 2.

2023-00309, and reject Complainant's Renewed Motion for Disposition and Complaint. (Emphasis added.)²⁰

The impending rejection of a Level 2 application by Mr. Shocklee is well within the scope of a "practical legal effect" as per *Morgan v. Getter*, particularly since the Order expressly discusses tariff provisions for the processing of Level 2 applications, which require Kenergy to "meet with **applicants** (Emphasis added)."²¹ If Kenergy elects to abandon its position that it properly rejected Mr. Shocklee's applications for net metering service through the property ownership prerequisite, it may do so in the response to this pleading. If Kenergy concedes this point, then the above-described practical legal effect would be removed. As long as Kenergy maintains that its rejection of the Level 1 applications was proper, the same fate awaits any Level 2 applications.

Further, Kenergy's Commission-approved tariffs provide:

If the [Level 1] Application is denied, Kenergy will supply the Customer with reasons for denial.²²

Kenergy admits that it terminated its review of Mr. Shocklee's applications for net metering interconnection solely upon the fifteen (15) percent screening tool. However, even in a scenario in which Mr. Shocklee's Level 1 applications did not satisfy the

²⁰ Kenergy Response and Motion to Submit (filed Sep. 23, 2024), unnumbered [PDF 2 and 3 of 4].

²¹ Order (Ky. P.S.C. Dec. 4, 2024), page 8.

²² *Kenergy Corp. of Henderson, Kentucky Classification of Service, and Rules and Regulations for Furnishing Electric Service to All or Portions of: Breckenridge, Caldwell, Crittenden, Daviess, Hancock, Henderson, Hopkins, Livingston, Lyon, McLean, Ohio, Muhlenberg, Union, and Webster Counties in Kentucky*, PSC No. 2, 1st Revised Sheet No. 46D (hereinafter "Tariff Sheet No. ____").

screening tools for an expedited interconnection,²³ the lack of satisfaction of any or all of these screening tools do not support a theory that the review of the applications may be terminated or that Kenergy is relieved of its duty to supply its reasons for a denial.²⁴ Kenergy has yet to comply with this requirement in its Commission-approved tariffs. This aspect of Mr. Shocklee's Complaint and request for relief is likewise not moot because the failure of Kenergy to complete a review and supply the reasons for its denial has a practical legal effect upon Mr. Shocklee through impairing his ability to prepare and file a Level 2 application. Mr. Shocklee expressly stated the incomplete review and lack of being supplied with the reasons for denial as a violation.

In rejecting the applications, Kenergy avoided its duty to review or study the applications for interconnection and supply Complainant with the documentation of a decision.²⁵

...

Kenergy's concedes that it did not conduct a complete review of Complainant's applications; the incomplete review is in violation of the Kenergy's Commission-approved tariff.²⁶

...

Upon undertaking a review of the merits of the applications, whether each application should be approved or denied,

²³ See Order (Ky. P.S.C. Dec. 4, 2024), page 5.

²⁴ See, for examples, Shocklee Response to PSC 1, Items 1(c) and 2. The point was asserted by Mr. Shocklee numerous times in the pleadings that satisfaction of the screening tools concern an expedited interconnection. The failure to stratify all of the screening tools eliminates an expedited interconnection but it does not terminate the review and processing of an application for approval or denial.

²⁵ Shocklee Reply to Kenergy Response to Renewed Motion for Disposition (filed Sep. 26, 2024), page 4. ("Shocklee Reply for Renewed Motion for Disposition, page ____.")

²⁶ Shocklee Reply to Kenergy Verified Response to Motion for Summary Disposition (filed Feb. 27, 2024), page 1.

Kenergy's Commission-approved tariffs expressly control the review and require Kenergy to supply the reasons for denial, not simply a reason for denial.²⁷

The violation is not cured, in any way, through the Commission's determinations regarding the fifteen (15) percent screening tool. Moreover, the violation is not rendered moot by Kenergy's identification of the fifteen (15) percent screening tool. Even if Kenergy concedes that it improperly rejected Mr. Shocklee's Level 1 application (mooting that practical legal effect), the concession does not moot the consequent violation of Kenergy's failure to provide Mr. Shocklee with the information required under Kenergy's Commission-approved tariffs for a denial of a Level 1 application.

The record in the instant case as well as the Order itself refutes the Commission's factual finding regarding mootness of this legal question, and the Order fails to correctly apply Kentucky law regarding the doctrine of mootness. The Order does not render the issue as moot, and the facts warrant an adjudication.

There is another material error in the findings. The only technical issue identified by Kenergy and admitted by Mr. Shocklee as having been discussed during Mr. Heath's telephone call on November 13, 2023 is the fifteen (15) percent rule. The Order is unlawful and unreasonable because it relates forward and enlarges the scope of this admission to include other "technical issues" identified by Kenergy *after* the November 13, 2023

²⁷ Shocklee Reply to Kenergy Verified Response to Motion for Summary Disposition (filed Feb. 27, 2024), page 2.

telephone call and Mr. Shocklee's filing of the instant Complaint.²⁸ The only technical issue identified by Kenergy and admitted by Mr. Shocklee is the fifteen (15) percent rule.²⁹

Also, in reply to Kenergy's claim of a newly-created harmless error theory for a violation of the Filed Rate Doctrine (which Kenergy made in the alternative), Mr. Shocklee, by reference to the evidence supplied by Kenergy (under *Kenergy's* then-existing interpretation of the fifteen (15) percent rule) and "without suggesting that Kenergy's overall theory is correct,"³⁰ stated that such a ultimate denial defense works only if both applications would have ultimately been denied if accepted.

Kenergy, at that stage in the litigation, was unwilling to make the assertion that each application individually violated the fifteen (15) percent screening tool. Mr. Shocklee was entitled to point out the clear logical flaw in Kenergy's alternative argument. He did not request the remedy of an Order in the form of approval or any remedy that failed to protect the interests of others.³¹ The Order mischaracterizes the relief sought by Mr. Shocklee. It is a material error, and it places a stain upon the character of Mr. Shocklee.

The remedy sought by Mr. Shocklee was the acceptance of his applications for interconnection for review and processing – and approval *or* denial in accordance with

²⁸ Further, concerning the 20 kVA limit, the Order (at page 6) confirm that "the record does not actually contain evidence that the proposed project would or would not have violated this tariff provision." Mr. Shocklee agrees. This is exactly why Kenergy should provide him with a complete review and all reasons for denial. He could not provide factual information upon a matter that he did not raise in his Complaint for a claim (if relevant) based in information held solely by Kenergy.

²⁹ Shocklee Response to PSC 1, Item 1(d).

³⁰ Shocklee Reply to Kenergy Verified Response to Motion for Summary Disposition (filed Feb. 27, 2024), pages 5 and 6.

³¹ Order (Ky. P.S.C. Dec.4, 2024), pages 7 and 8.

the requirements of the Commission-approved tariffs. In addition to discussion (above) in the Complaint, the scope and extent of relief sought by Mr. Shocklee appears in these four (4) instances in his pleadings for summary disposition. From the initial Motion for Summary Disposition:

WHEREFORE, Complainant respectfully moves this Commission to enter an Order granting summary disposition of this Complaint and requiring Kenergy to accept the two (2) applications for interconnection that were unlawfully rejected, and provide all other relief the Commission deems appropriate.³²

From the Reply to Kenergy's Response to the initial Motion for Summary Disposition:

WHEREFORE, Complainant respectfully tenders his Reply and asks the Commission to enter an Order granting summary disposition of this Complaint and require Kenergy to accept the two (2) applications for interconnection is unlawfully rejected – at least one (1) of which by reference to Kenergy's own evidence should have been approved for interconnection.³³

As demonstrated, the reference to interconnection approval is in response to Kenergy's alternative argument. It did not change the relief requested through the Complaint. From the Renewed Motion for Summary Disposition:

WHEREFORE, Complainant respectfully moves this Commission to enter an Order granting disposition of this Complaint in favor of Complainant and requiring Kenergy to accept the two (2) applications for interconnection for

³² Shocklee Motion for Summary Disposition (filed Feb. 16, 2024), page 17.

³³ Shocklee Reply to Kenergy Verified Response to Motion for Summary Disposition (filed Feb. 27, 2024), page 7. The request for relief remained the same - **acceptance** of the applications. The Reply appropriately pointed out that Kenergy's alternative defense that it would have denied them anyway was antagonistic and refuted by its own evidence in support of the Verified Response.

processing and action through the terms in Kenergy's Commission-approved tariffs.³⁴

From the Reply to Kenergy's Response to the Renewed Motion for Summary

Disposition:

Contrary to the Response, the Commission's Order in Case No. 2023-00309 does not resolve the issue of the acceptance or rejection of Complainant's applications because the August 6, 2024 Order in that proceeding is only relevant to the review process for the approval or denial of an application. Moreover, the review process required under Kenergy's Commission-approved tariffs has not been conducted.³⁵

CONCLUSION

The sole legal question raised by Mr. Shocklee in his Complaint is whether Kenergy lawfully *rejected* his applications for net metering interconnection based upon a property ownership prerequisite. The December 4, 2024 Order includes the following finding:

Kenergy's tariff requires it to offer to meet with applicants to discuss estimated costs and construction timeframe for necessary distribution upgrades to be paid by the applicant to support the facility.³⁶

The (above) language concerns a Level 2 application that has been *accepted by* Kenergy for processing (for approval or denial). Kenergy states numerous times in the instant case that its rejection of Mr. Shocklee's applications for net metering interconnections was lawful because of the property ownership prerequisite. There is no reason for Mr. Shocklee to incur the expense of preparing and tendering Level 2

³⁴ Shocklee Renewed Motion for Summary Disposition (filed Sep. 17, 2024), page 7.

³⁵ Shocklee Reply for Renewed Motion for Disposition (filed Sep. 26, 2024), page 5.

³⁶ Order (Ky. P.S.C. Dec. 4, 2024), page 8.

applications for net metering interconnection if property ownership is required for acceptance of the applications for review and processing. The Order does not address the sole legal question raised by Mr. Shocklee in his Complaint. The Order's finding of fact and conclusion of law that the issue of property ownership is moot because of the fifteen (15) percent rule is unlawful and unreasonable.

Further, Kenergy's Commission-approved tariffs provide:

If the [Level 1] Application is denied, Kenergy will supply the Customer with reasons for denial.³⁷

Kenergy admits that it terminated its review of Mr. Shocklee's applications for net metering interconnection. It has yet to comply the above-stated tariff requirement. This aspect of Mr. Shocklee's Complaint and request for relief is likewise not moot because of the fifteen (15) percent rule, and the Order's findings of fact and conclusions of law concerning the remaining issues bearing upon processing and review of the applications are unreasonable and unlawful.

For all of the foregoing reasons set out in this application for rehearing, the Commission should rehear its December 4, 2024 Order and adjudicate the legal question posed by the Complaint. If the Commission determines that the rejection of the applications was unlawful, then the Commission should direct Kenergy to comply with its net metering tariffs and complete its review and processing of the previously tendered Level 1 applications and, thereafter, supply Mr. Shocklee with all reasons for their denial.

WHEREFORE, Complainant respectfully moves this Commission to enter an Order granting rehearing of the December 4, 2024 Order.

³⁷ Kenergy Tariff Sheet PSC No. 2, 1st Revised Sheet No. 46D.

Respectfully submitted,



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Counsel for Roger D. Shocklee

Notice And Certification For Filing

Undersigned counsel provides notice that the electronic version of the paper has been submitted to the Commission by electronic mail message to the Commission's Executive Director, December 23, 2024, in conformity with the guidance in the requests for information in the instant case. An unbound original and ten (10) copies have been tendered to the Commission for filing at its Offices, 211 Sower Boulevard, Frankfort, Kentucky 40601.



David E. Spenard

Notice And Certification Concerning Service

Undersigned counsel certifies that he has served a true and correct copy of the pleading upon the attorneys at the addresses listed below, first class mail, postage pre-paid, on this 23rd day of December 2024.

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