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December 27, 2024

***Via Electronic Filing**

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 Response to Complainant's Application for Rehearing in the above-styled case.

This is to certify that the filing has been submitted to the Commission via email. An electronic copy has also been emailed to the attorneys for the Complainant on December 27, 2024. 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,



L. Allyson Honaker

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 TO
COMPLAINANT’S APPLICATION FOR REHEARING

Comes now Kenergy Corp. (“Kenergy or Company”), by counsel, and does hereby tender its Response to the Motion for Rehearing filed by Mr. Roger D. Shocklee on or about December 23, 2024, respectfully stating as follows:

The Complainant’s motion for rehearing focuses on the Commission’s use of the word “denial” instead of “rejection” in its December 4, 2024 Order (“Order”) even though the word “rejected” appears multiple times in the Commission’s Order.¹ What the Complainant fails to address is that regardless of whether the Complainant’s applications for net-metering interconnection were rejected or denied, the result would still be the same – the systems proposed in the net-metering interconnection applications would not be allowed to connect to Kenergy’s system. The application for rehearing should be denied for this reason

¹ Order, p. 2. (“Kenergy *rejected* Mr. Shocklee’s applications.”; “Mr. Shocklee’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(1) defines an “[e]ligible customergenerator” as one who owns and operates an electric generating facility . . . located on the customer’s premises.”); *See also*, Order, p. 7. (“Mr. Shocklee argued that his applications should not have been *rejected* based on his lack of fee simple ownership.”) (*emphasis added*).

Mr. Shocklee’s position still appears to be that Kenergy was under an obligation to provide multiple reasons why his applications for net-metering interconnection were rejected.² However, as Kenergy has stated throughout this proceeding, there is no requirement imposed by statute, regulation, or tariff that Kenergy provide a written letter with the reasons for a denial of the application.³ There is also no obligation for Kenergy to continue to review the application and each of the requirements once Kenergy determines that the application does not meet one of the necessary requirements, nor should there be a requirement for Kenergy to perform unnecessary work. For instance, if an application is filed at the Commission, the Commission reviews the application to determine if it meets the standard filing requirements. If the application does not meet these requirements, the application is found deficient (rejected) and it is not reviewed on the merits until the deficiencies (reasons for the rejection) are cured. Mr. Shocklee has not cured the deficiencies in his net-metering interconnection applications, therefore, Kenergy does not have any pending applications for review from Mr. Shocklee. In rejecting Mr. Shocklee’s net-metering interconnection applications, Kenergy relied upon the plain language in its tariff and the relevant statute.

Mr. Shocklee actually supports the Commission’s decision on the findings regarding issues being moot based on the failure of the applications based upon the “15% percent rule.” In the Application for Rehearing, Mr. Shocklee cites *Morgan v. Getter*,⁴ regarding mootness. As part of the quote contained in Mr. Shocklee’s Application for Rehearing, it states “cannot have any

² See Motion for Summary Judgment at 2.

³ See, Kenergy Corp’s Verified Response to Complainant’s Motion for Summary Disposition and Memorandum, p. 3. (Feb. 23, 2024)

⁴ 441 S.W.3d 94, 98-99 (Ky. 2014).

practical legal effect upon a *then* existing controversy.”⁵ (emphasis added). The argument being made by the Complainant is that the issues are not moot because they would pertain to future applications that the Complainant may file with Kenergy as a Level 2 facilities.⁶ The possible future Level 2 application filings is a new argument being raised by the Complainant for the first time in its Application for Rehearing. In addition, the quote provided by the Complainant from *Morgan v. Getter*, makes it clear that mootness applies to a then existing matter. The only existing matter before the Commission are the Level 1 applications that were filed by Mr. Shocklee. Therefore, the finding of mootness was correct by the Commission. Any future applications for net-metering interconnection by Mr. Shocklee would need to be addressed at the time they are filed.

Kenergy has demonstrated throughout this proceeding that it has followed and applied its tariff and the statutes in good faith. Kenergy has a duty to provide safe and reliable service to its members. Even if Mr. Shocklee’s net-metering applications had not been rejected by Kenergy, even if Mr. Shocklee had cured the ownership issue, Mr. Shocklee’s net-metering applications would have been denied by Kenergy due to the 15% rule and possibly other issues.

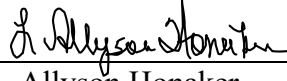
WHEREFORE, on the basis of the foregoing, Kenergy respectfully requests the Commission to deny Mr. Shocklee’s Application for Rehearing and affirm the Commission’s decision in its December 4th Order.

This 27th day of December, 2024.

⁵ See, Application for Rehearing, p. 9.

⁶ *Id.* at 11.

Respectfully submitted,

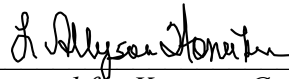


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CERTIFICATE OF SERVICE

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Counsel for Kenergy Corp.