

FILE: PUCofS.D.#02
DATE: 10-29-2021
TIME: 3:00PM

REFERENCE: DOCKET #EL21-011

South Dakota P.U.C.
% Mr. Chris Nelson, Chairman
Capitol Building, 1st Floor
500 E. Capitol Ave.
Pierre, South Dakota 57501-5070

RECEIVED

NOV 04 2021

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

✓ Mr. Nelson. And other Concerned Parties:

On August 5th, 2021, I wrote a letter to you, referencing the above listed Docket number. You responded back to me, on August 9th, 2021.

Recently, I was advised that there was a "Stipulation and Joint Motion for Suspension of Procedural Schedule" submitted by the parties, on August 19th, 2021. As I understand this, the Parties wanted to "continue to work together to settle this matter". Further, Black Hills Energy has taken their "buy-all, sell-all" proposal off the table, and are possibly looking at a "Demand Charge" type of solution to their "perceived" problem they seem to have with private (or public owners) of co-generated electrical systems (Solar panels) on their properties, in Black Hills operating territory.. I realize that I am an "outsider" to this serious situation, in South Dakota, BUT I can assure you of one certainty and that is, IF this situation comes to a resolution in your state, whatever happens WILL be brought, right across the border, into Wyoming, and "THAT" is not and will not, be a positive thing for ANY Renewable Resource owner, in Wyoming.

Attached, to this cover letter, please find an article (from the Kansas Reflector) that explains what happened in Kansas, with regards to an energy utility (Evergy) that tried to install a demand charge system, within that state. The Kansas State Supreme Court decided that this was "Unconstitutional" and very "Discriminatory" against the owners of Solar Panels systems, in that state!! That Court further stated that "within 60 days" Evergy must remove their "Demand Charge" from the bills of customers with residential solar panels AND refund any and all of those "Demand Charges" back to their affected customers. This was done account of the "disparate" treatment their customers were receiving, by being charged "more for their energy", than a customer who didn't have a Renewable Energy Resource system, on their property...

Black Hills Energy needs to cease and desist their efforts in trying to do the very same thing that happened in Kansas!!! They are trying to close down these Renewable Energy Resource companies, that are installing "Climate friendly" systems, that provide customers with a break in their energy consumption. I believe, from their (BHE) prospective, solar owners and businesses that install these systems, have become "their" competitors. They should have jumped on the band wagon, many years ago, when solar arrived, set up their own business subsidiaries to sell and install these systems, and we wouldn't be where we're at, right now!!! That's the bottom line. THEY don't like the competitors that have come into the business, nor the customers who have seen the advantages and the environmental aspects of owning their own electrical generating systems!!!

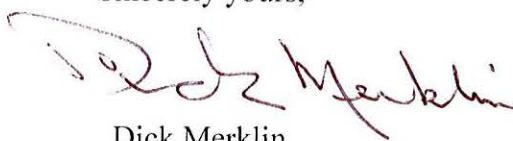
Like I said, in my previous letter, to you: IF IT AIN'T BROKE, YA DON'T NEED TO FIX IT!!

It is my understanding that the parties have been given a couple of years, to come up with a

equitable system. I seriously doubt "THAT" is ever going to happen. Too many "proverbial" fingers in the pie!!!

Thank you, for your attention to this (urgent) matter...

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Dick Merklin". The signature is fluid and cursive, with a large initial "D" and "M".

Dick Merklin
Wyoming Solar Coalition
811 Virginia Court
Cheyenne, Wyoming
82009-4268
Phone #: 308-530-7945

1 – 3 page attachment

cc: Governor Kristi Noem



BUSINESS

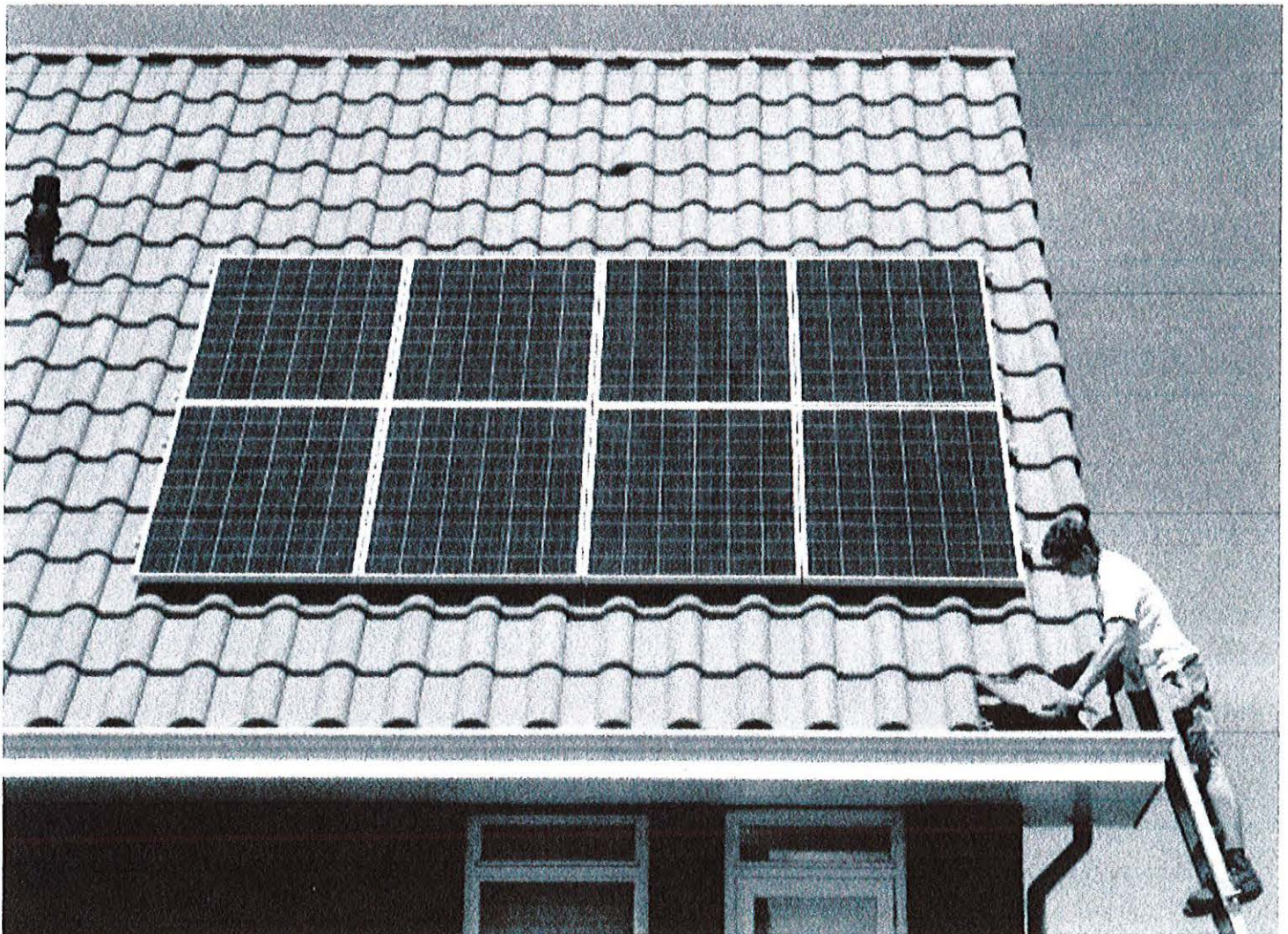
ENVIRONMENT

UNCATEGORIZED

Evergy's Kansas customers with solar panels will get refund for unconstitutional fees

Kansas Supreme Court decided last year that Evergy's rate structure discriminated against owners of solar panels

BY: ALLISON KITE - AUGUST 27, 2021 2:32 PM



📷 Kansas Evergy customers with residential solar panels will be refunded fees they paid that the Kansas Supreme Court later found unconstitutional. (Mischa Keijser/Getty Images)

KANSAS CITY, Mo. — Evergy customers with solar panels on their homes will get refunds in the coming weeks for the unconstitutional charges the electric utility required them to pay.

The Kansas Corporation Commission earlier this week approved an order modifying rates for Evergy's customers on the Kansas side of the Kansas City metro, meant to bring solar panel owners there into alignment with the rest of Evergy's Kansas customers.

Within 60 days, Evergy must remove what's known as a demand charge from the bills customers with residential solar panels receive and issue refunds for those demand charges, which the Kansas Supreme Court declared unconstitutional. The KCC ordered the company to do so for the rest of its Kansas customers earlier this year.

In a release, the KCC said the proposal was brought by its staff, Evergy and the Citizens' Utility Ratepayer Board to restore consistency among Evergy's Kansas customers.

"The commission agreed there is potential for confusion and frustration over the disparate treatment of residential ... customers between Evergy's two Kansas service territories and that it is in the public interest to treat Evergy's residential ... customers consistently in this regard throughout both of its service territories," the release said.

For several years and with approval from the KCC, customers who have solar panels were required to pay demand charges, in essence, to help support Evergy's fixed costs to maintain its grid. That's because some of those costs are rolled into traditional customers' energy usage rates, which vary depending on how much energy they consume. Customers with solar panels end up paying less since they are generating their own electricity.

"The intent of the three-part rate was to ensure fair pricing for all customers and to establish rates that reflect the costs of services provided to customers," said Gina Penzig, a spokeswoman for Evergy. "Customers who have private solar rely on the power grid just as customers who do not have private generation."

In the summer, solar panel owners who ended up needing to draw energy from Evergy's grid paid another \$3 in the winter and \$9 in the summer.

But several climate nonprofits challenged that rate structure, and in April 2020, the Kansas Supreme Court found it was unconstitutional because it discriminated against solar panel owners and charged them more for their energy.

Penzig said Evergy's Missouri customers with private solar generation are not charged the three-part rate.

Evergy, she said, is "open to discussion and collaboration with stakeholders to develop a framework that would provide fair price structures."

David Nickel, executive director of CURB, said consumer advocates and the utility need to get together to determine a fair mechanism for solar panel owners to contribute to maintaining the grid.



REPUBLISH

Our stories may be republished online or in print under Creative Commons license CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our web site. Please see our republishing guidelines for use of photos and graphics.



ALLISON KITE  

Allison Kite is a data reporter for The Missouri Independent and Kansas Reflector, with a focus on the environment and agriculture. A graduate of the University of Kansas, she's covered state government in both Topeka and Jefferson City, and most recently was City Hall reporter for The Kansas City Star.

MORE FROM AUTHOR

RELATED NEWS



Kansas electric rates are not regionally competitive...

BY JIM ZAKOURA

February 4, 2021



Kansas consumer advocates flag lack of rate-cut...

BY TIM CARPENTER

February 21, 2021