

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF OWEN)
COUNTY RURAL ELECTRIC CO-)
OPERATIVE CORPORATION FOR) CASE NO. 8772
AN ORDER ISSUING A CERTIFI-)
CATE OF PUBLIC CONVENIENCE)
AND NECESSITY)

O R D E R

Owen County Rural Electric Cooperative Corporation ("Owen County") filed its application on February 17, 1983, for a certificate of public convenience and necessity to construct certain improvements and additions to its existing plant. These improvements and additions as more specifically described in the application and record are estimated to cost \$5,048,000 and will be financed by a loan of \$2,358,000 from the Rural Electrification Administration ("REA"), a loan of \$1,064,000 from the National Rural Utilities Cooperative Finance Corporation ("CFC") and \$1,626,800 from internal funds. The Commission requested additional information from Owen County, which was received on March 9, 1983. A reconsideration by the Commission of its jurisdiction over borrowing by Owen County prompted an additional request for information on April 15, 1983, which information was received on May 4, 1983.

The Public Service Commission, after consideration of the application and all evidence of record and being advised, is of the opinion and finds that:

1. Owen County is seeking to borrow funds from the REA. On November 12, 1982, the Franklin Circuit Court issued its opinion in West Kentucky RECC v. Energy Regulatory Commission. Therein, the Court held that the Commission had no authority to approve or disapprove borrowings from the REA since the REA is an agency of the federal government and KRS 278.300(10) exempts such borrowing from Commission regulation. Accordingly, the Commission takes no action on the REA portion of Owen County's proposed borrowing.

2. Public convenience and necessity require the construction by Owen County of the improvements and additions to its existing plant as described in the application and record, and that a certificate be granted.

3. The proposed borrowing from CFC is for lawful objects within the corporate purposes of Owen County, is necessary and appropriate for and consistent with the proper performance by Owen County of its service to the public, and will not impair its ability to perform that service.

IT IS THEREFORE ORDERED that Owen County be and it hereby is granted a certificate of convenience and necessity to proceed with the construction as set forth in the application and record.

IT IS FURTHER ORDERED that Owen County be and it hereby is authorized to borrow \$1,064,000 from CFC for a 35-year period, at an initial interest rate of 11 3/4 percent per annum for the first 7 years of the loan and to be subject to adjustment thereafter.

IT IS FURTHER ORDERED that Owen County be and it hereby is authorized to execute its notes as security for the loan herein authorized.

IT IS FURTHER ORDERED that the proceeds from the proposed borrowing shall be used only for the lawful purposes set out in the application and record.

Nothing herein contained shall be deemed a warranty or finding of value of securities or financing authorized herein on the part of the Commonwealth of Kentucky or any agency thereof.

Done at Frankfort, Kentucky, this 31st day of May, 1983.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary