

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CLARK ENERGY )  
COOPERATIVE, INC. FOR AUTHORIZATION ) CASE NO. 2000-529  
TO INCREASE CATV ATTACHMENT RATES )

O R D E R

On November 29, 2000, Clark Energy Cooperative, Inc. ("Clark") submitted an application seeking authority to increase its CATV attachment rates. Filing deficiencies were submitted and the application was considered filed on January 5, 2001. On March 19, 2001, Clark submitted for Commission approval a Settlement Agreement entered into between Clark and the sole intervenor in the case, Kentucky Cable Telecommunications Association ("KCTA"), and moved the Commission to suspend the procedural schedule established by the Commission on February 7, 2001. On March 28, 2001, the Commission issued its Order suspending the procedural schedule.

The parties have agreed that the Settlement Agreement will not become effective unless the Commission approves it in its entirety.

After careful review of the Settlement Agreement and the evidence of record, and being otherwise sufficiently advised, the Commission finds that, with one exception, the provisions of the Settlement Agreement are reasonable and lawful and should be approved. Although the acceptance of the Settlement Agreement is not without condition, the modification described herein should not significantly affect the agreement.

The Commission finds that the terms of paragraph 2 of the Settlement Agreement are not acceptable as tendered and should be modified. Paragraph 2 states that the Commission shall approve the tariffs as filed in this proceeding with the provision that Clark shall submit revised tariffs consistent with the Settlement Agreement. The Commission finds that the tariffs filed in this proceeding by Clark should be approved as filed, with the exception of the CATV pole attachment and anchor charges contained in those tariffs, which do not comport with the methodology established in the Commission's Order of February 26, 2001 in Case No. 2000-359.<sup>1</sup> The CATV pole attachment and anchor charges set forth in Attachment 1 to the Settlement Agreement, which do comport with the methodology established by the Commission, are fair, just, and reasonable and should be approved on and after the date of this Order.

IT IS THEREFORE ORDERED that:

1. The Settlement Agreement, as modified in Ordering Paragraphs 2, 3, and 4, is approved.
2. Paragraph 2 of the Settlement Agreement is denied as tendered.
3. The tariffs filed in this proceeding are approved with the exception of the CATV pole attachment and anchor charges contained therein.
4. The rates set forth in Attachment 1 to the Settlement Agreement, restated in Appendix A to this Order which is incorporated herein by reference as if fully set out

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<sup>1</sup> The Application of Cumberland Valley Electric, Inc. to Adjust its CATV Attachment Rates and Other Miscellaneous Charges, Case No. 2000-359.

herein, are the rates that are approved for the CATV pole attachment and anchor charges on and after the date of this Order.

5. Within 14 days from the date of this Order, Clark shall file tariff sheets that reflect the rates and the terms and conditions approved herein.

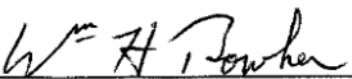
6. If either party wishes to withdraw from the Settlement Agreement because of the modifications ordered herein, it shall notify the Commission in writing within 10 days of the date of this Order.

7. If either party exercises its right to withdraw from the Settlement Agreement, this Order is vacated.

Done at Frankfort, Kentucky, this 7<sup>th</sup> day of May, 2001.

By the Commission

ATTEST:

Deputy   
Executive Director

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2000-529 DATED MAY 7, 2001

The following rates and charges are prescribed for the customers in the area served by Clark Energy Cooperative, Inc. All other rates and charges not specifically mentioned herein shall remain the same as those in effect under authority of the Commission prior to the effective date of the Order.

#### CATV ATTACHMENTS:

2-Party Pole	\$4.94 per Attachment
3-Party Pole	\$3.86 per Attachment
2-Party Anchors	\$9.81 per Anchor
3-Party Anchors	\$6.48 per Anchor