

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENERGY CORP.	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 2002-00008
	)	
KENTUCKY UTILITIES COMPANY	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER

Kentucky Utilities Company ( KU ) is hereby notified that it has been named as defendant in a formal complaint filed on December 7, 2001, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, KU is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 11<sup>th</sup> day of January, 2002.

By the Commission

ATTEST:

  
Executive Director

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

KENERGY CORP.,	COMPLAINANT)	
	)	
	)	
VS.	)	CASE NO. <u>2002-00008</u>
	)	
	)	
KENTUCKY UTILITIES COMPANY,	DEFENDANT)	

C O M P L A I N T

The complaint of KENERGY CORP. respectfully shows:

- (a) KENERGY CORP. ("Kenergy") is a corporation duly created and existing under KRS 279.010 et seq. Its mailing address is Post Office Box 18, Henderson, Kentucky 42419.
- (b) KENTUCKY UTILITIES COMPANY ("KU") is a Kentucky corporation with mailing address of One Quality Street, Lexington, Kentucky 40507. KU's resident agent for service of process is John R. McCall and his mailing address is 220 West Main Street, Louisville, Kentucky 40202.
- (c) Kenergy and KU are both retail electric suppliers as defined under KRS 278.010(4).
- (d) Kenergy and KU have adjacent service territories in Henderson County and Union County, Kentucky, certified under KRS 278.016 et seq.

(e) HIGHLAND MINING COMPANY ("Highland Mining"), a member of the Peabody Group, has adopted plans and secured permits to conduct underground mining operations in the vicinity of the Henderson County and Union County boundary. The portal is, or will be, located entirely in the Kenergy certified territory. Kenergy has provided the retail electric service to the contractor that is performing site preparation work at the portal.

(f) On information and belief Kenergy alleges that KU has entered into agreement with Highland Mining to provide retail electric service for the mining operations.

(g) Under KRS 278.016-.018 and all other applicable law Kenergy has the exclusive right to supply electric service to Highland Mining for its mining operations at the aforementioned location. An order should be entered granting Kenergy this service right and the defendant should be enjoined from furnishing service to Highland Mining at said location.

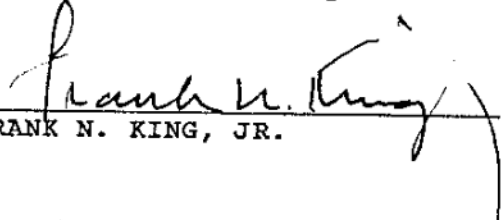
WHEREFORE, Kenergy requests:

1. That order be entered granting Kenergy the exclusive right to provide electric service to Highland Mining at the aforementioned location in Henderson County and Union County, Kentucky.
2. That defendant KU be enjoined from furnishing service to Highland Mining at said location.
3. That Kenergy be afforded all proper relief.

Dated at Henderson, Kentucky, this 6<sup>th</sup> day of December, 2001.

DORSEY, KING, GRAY & NORMENT  
318 Second Street  
Henderson, Kentucky 42420  
(502) 826-3965 Telephone  
(502) 826-6672 Telefax  
Attorneys for Kenenergy Corp.

By:

  
FRANK N. KING, JR.