

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENERGY CORP. FILING OF RETAIL SERVICE)	
AGREEMENT TO SOUTHWIRE COMPANY)	CASE NO.
AND WHOLESALE SERVICE AGREEMENT)	2009-00186
WITH BIG RIVERS ELECTRIC CORPORATION)	

O R D E R

On June 25, 2009, Kenergy Corp. ("Kenergy") filed the following documents: (1) a revised version of a proposed Agreement for Retail Electric Service to Southwire Company ("Southwire"); (2) a revised version of a proposed Wholesale Letter Agreement with Big Rivers Electric Corporation ("Big Rivers"), and (3) a proposed Delivery Point Agreement among Kenergy, Big Rivers, Southwire, and Century Aluminum of Kentucky General Partnership.

The revised versions of Kenergy's retail agreement with Southwire and the wholesale agreement with Big Rivers are in substantially the same form as the agreements originally filed in this case on April 24, 2009. The most significant change in the retail agreement for service to Southwire is to revise the minimum billing demand from a fixed floor of 3,000 kW to 60 percent of Southwire's maximum contract demand, which can vary over time. Kenergy's Wholesale Letter Agreement with Big Rivers basically tracks Kenergy's retail agreement with Southwire by allowing Kenergy to buy the power necessary for it to provide retail service to Southwire. The Delivery Point

Agreement was filed for informational purposes only, based on Kenergy's assertion that it does not need Commission approval.

Based on a review of the agreements as filed by Kenergy and being otherwise sufficiently advised, the Commission finds that the retail agreement for service to Southwire and the wholesale agreement with Big Rivers are reasonable and should be approved. The Commission also finds that the Delivery Point Agreement contains provisions that impact the rates and service provided by Kenergy to Southwire and, therefore, it is subject to the Commission's jurisdiction. A review of the provisions of the Delivery Point Agreement indicates that it is also reasonable and should be approved.

The Commission further notes that none of these three agreements have been executed, but they will all be executed at the time of closing the "Unwind Transaction" approved by the Commission on March 6, 2009 in Case No. 2007-00455.¹ In the event that there are any changes to the documents as filed in this record on June 25, 2009, Kenergy should file those revisions with the Commission for its review.

IT IS THEREFORE ORDERED that:

1. Kenergy's Agreement for Retail Electric Service to Southwire is approved for service rendered on and after the date of closing the transaction approved by Commission Order dated March 6, 2009 in Case No. 2007-00455.

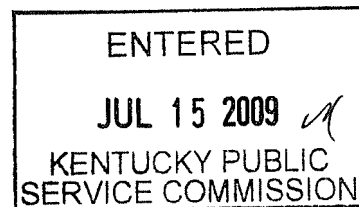
¹ Case No. 2007-00455, The Applications of Big Rivers Electric Corporation for: (1) Approval of Wholesale Tariff Additions for Big Rivers Electric Corporation, (2) Approval of Transactions, (3) Approval to Issue Evidences of Indebtedness, and (4) Approval of Amendments to Contracts; and of E.ON U.S., LLC, Western Kentucky Energy Corp. and LG&E Energy Marketing, Inc. for Approval of Transactions.

2. Kenergy's Wholesale Letter Agreement with Big Rivers is approved for service rendered on and after the date of closing the transaction approved by Commission Order dated March 6, 2009 in Case No. 2007-00455.

3. Kenergy's Delivery Point Agreement is approved for service rendered on and after the date of closing the transaction approved by Commission Order dated March 6, 2009 in Case No. 2007-00455.

4. Within 20 days of the date of closing the transaction approved by the Commission's Order dated March 6, 2009 in Case No. 2007-00455, Kenergy shall file executed copies of the agreements approved herein and shall submit for Commission review and further approval any changes made to those documents.

By the Commission



ATTEST:



Executive Director

Honorable Frank N King, Jr.
Attorney at Law
Dorsey, King, Gray, Norment & Hopgood
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