

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
UTILITIES COMPANY FOR AUTHORIZATION OF	)	CASE NO.
CHANGES IN SERVICE TERRITORY WITH	)	2019-00414
CLARK ENERGY COOPERATIVE, INC.	)	

ORDER

On November 22, 2019, Kentucky Utilities Company (KU) filed an application, pursuant to KRS 278.018(6), requesting approval for a change in its territorial boundary pursuant to an agreement between KU and Clark Energy Cooperative, Inc. (Clark Energy). KU attached the executed territorial change agreement, a United States Geological Survey (USGS) map of Ford, Kentucky, and a site map for the proposed territorial boundary change. Both maps were signed and dated by KU and Clark Energy.

KU stated that the proposed territorial boundary change for a residential subdivision, Stivers, Stivers and Blaser, will serve the purposes of KRS 278.016 by avoiding unnecessary encumbrance of the landscape and will promote the orderly development of retail electric service. KU explained that the Stivers, Stivers and Blaser subdivision located at 6602 to 7090 Athens Boonesboro Road, Ford, Fayette County, Kentucky, crosses both KU's and Clark Energy's service territories. KU further explained that the developer established property lines for 20 individual lots, 7 of which are in KU's territory (Lots 1–7), 2 of which are in Clark Energy's territory (Lots 19–20), and 11 of which are located in both KU's and Clark Energy's territory (Lots 8–18). KU and Clark Energy each agreed to redraw the certified territorial boundaries to match the existing individual

property lines in order to eliminate the issue of individual lots that are located in both KU's territory and Clark Energy's territory. Under the territorial change agreement, KU will serve Lots 1–11, and Clark Energy will service Lots 12–20.

Under the proposed revision, the boundary lines are defined as follows, with control points in Kentucky North Zone State Plane Coordinate System (NAD83) U.S.

Survey feet:

<u>CONTROL PT</u>	<u>NORTHING</u>	<u>EASTING</u>
1	161,495.12	1,610,352.66
2	161,361.98	1,610,459.23
3	161,158.69	1,610,615.06
4	160,952.62	1,610,768.89
5	160,746.11	1,610,922.41
6	160,123.34	1,610,477.04
7	158,514.96	1,609,326.82
8	157,851.44	1,611,011.20

Pursuant to KRS 278.018(6), a retail electric supplier may contract with another retail electric supplier to allocate territories and consumers between the retail electric suppliers. KRS 278.018(6) further provides that the Commission shall approve such a contract upon finding that the contract will promote the purposes of KRS 278.016 and will provide adequate and reasonable service to all areas and consumers.

Having reviewed the record and being otherwise sufficiently advised, the Commission finds that the development of a residential subdivision that straddles adjacent electric utility providers often creates contentious issues that must be adjudicated under KRS 278.016 to KRS 278.018, which governs the certified territorial boundaries of retail electric suppliers in Kentucky. Those issues typically involve which electric supplier has the right to serve the residential premise located within the subdivision. Fortunately, these issues need not be adjudicated here because the two

adjacent electric suppliers, KU and Clark Energy, have each agreed to realign their territorial boundaries in a manner that promotes the purposes of KRS 278.016 and will enable the two electric suppliers the ability to provide adequate and reasonable service to all affected areas and consumers.

The Commission further finds the agreement to be reasonable, and on that basis, we will approve it.

IT IS HEREBY ORDERED that:

1. KU's application for approval of the boundary change agreement between KU and Clark Energy regarding electric service to Lots 8–18 in the Stivers, Stivers and Blaser subdivision in Ford, Fayette County, Kentucky, is granted.
2. A copy of the revised U.S.G.S. topographic map of Ford, with the revisions signed by representatives of KU and Clark Energy on August 19, 2019, and September 3, 2019, respectively, attached as an Appendix to KU's application reflects the agreed-upon amended territorial boundary and the written agreement of KU and Clark Energy, and shall be attached to the Commission's official territorial boundary map.
3. This case is closed and removed from the Commission's docket.

By the Commission

ENTERED  
DEC 04 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

for Bruce R. Plascou

Case No. 2019-00414

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