

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SOUTH KENTUCKY RURAL)
ELECTRIC COOPERATIVE CORPORATION FOR) CASE NO.
THE APPROVAL TO PURCHASE THE FIXED) 2007-00374
ASSETS OF THE MONTICELLO ELECTRIC)
PLANT BOARD)

RECEIVED

NOV 14 2007

PUBLIC SERVICE
COMMISSION

SOUTH KENTUCKY'S INFORMAL
CONFERENCE MEMORANDUM

*** ***** ***

South Kentucky Rural Electric Cooperative Corporation ("South Kentucky") files this memorandum to set forth its position regarding the statutory requirements for a sale by a municipal utility formed pursuant to what is known as the "Kentucky TVA Act", embodied in KRS 96.550 to 96.901. Also included herein is an outline of those steps taken by the Monticello Electric Plant Board ("MEPB") to sell its electric plant to South Kentucky.

STATUTORY PROCEDURE FOR SALE OF MEPB

Pursuant to KRS 96.640, the Monticello Electric Plant Board purchased its electric plant on November 3, 1953 (the date of the regular election that year) upon a majority vote of the qualified voters of the City of Monticello. The plant board had previously been formed by an ordinance of the Monticello City Council per KRS 96.740 which authorizes a city to acquire and operate an electric plant. A copy of City of Monticello Ordinance Number 145 adopted September 16, 1947 is attached hereto as Exhibit A. There was opposition to the city's action, a lawsuit was filed and a Court of Appeals decision was rendered June 19, 1953 in Monticello Electric Light Co. vs. City of Monticello & Electric Plant Board of the City of Monticello, 259

SW2d 486 (Ky. 1953) approving the city's desire to acquire and operate an electric plant. Soon thereafter, on August 21, 1953, the plant board contracted with the then provider of electricity, Monticello Electric Light Company, to purchase all of its electric properties. In accord with KRS 96.640, the city adopted an ordinance on September 14, 1953 authorizing the plant board to purchase the assets and, also pursuant to that statute, the mayor submitted for a vote of the qualified voters of the city at the next November election the question whether the voters were in favor of the purchase. A majority of the voters said "YES" on November 3, 1953. The assets were transferred January 20, 1954 and the MEPB has operated the electric plant since that time. A copy of City of Monticello Ordinance Number 209 adopted September 14, 1953 certifying the question to the voters is attached hereto as Exhibit B.

Just as acquiring an electric plant requires submission to the qualified voters of a city, so to does a decision to sell the electric plant. The steps, all required by statute, are as follows:

1. The plant board adopts a resolution to sell all, or substantially all, of its assets pursuant to KRS 96.860(1) which must:
 - (a) State that the board has approved the proposed sale.
 - (b) Provide a full description of the property to be sold.
 - (c) Provide the identity of the purchaser.
 - (d) State the consideration to be received.
 - (e) Provide the terms or conditions of the sale.
 - (f) State the date on which the election shall be held which must be a regular November election.
2. The resolution of the plant board must be submitted to the city and, if approved by the city, the question whether the sale should occur shall be submitted to the qualified voters in the next November election.

3. The ordinance to be issued by the City is addressed in KRS 96.640 (actually this statute dealing with constructing, purchasing or condemning an electric plant or issuing bonds therefore is adopted by reference in KRS 96.860 for the procedure to obtain a vote). As applied to the purchase of the MEPB assets, this statute requires:

- (a) Adoption by the city of an ordinance declaring it desirable that the assets be sold. Other than the declaration of desirability, the statute requires no further language. Nonetheless, it is recommended that the information set forth in 3 a-d above be included.
- (b) The ordinance must be certified to the Wayne County Court Clerk not later than the second Tuesday of August which will be August 14, 2007 for the November 6, 2007 general election.
- (c) The county clerk shall place the question before the voters at the election. The question to be asked of the voters is the same as set forth in paragraph 3 above.
- (d) The mayor is required by KRS 96.640(3) to advertise the election and the object thereof by publication pursuant to KRS Chapter 424 and also by printed handbills posted in not less than four (4) conspicuous places in each voting precinct in the city and at the courthouse door.
- (e) KRS 424.290 sets forth the requirements for publication of election ballots and states that not less than 3 days before the election the county clerk shall cause to be published in "a newspaper" a copy of the face of the voting machine, or where electronic or electromechanical voting systems are used, a copy of the ballot cards or supplementary material on which appear the names of the candidates or issues to be voted on. This is a general duty imposed on county clerk's and is not specific to the sale of the MEPB assets.

All requirements set forth in the above statutes which govern the sale of all, or substantially all, of the assets of a plant board organized and existing pursuant to KRS 96.550 to 96.901 have been met by both the MEPB and the City of Monticello. The question, in proper form, was duly placed on the ballot at the November 6, 2007 general election by the Wayne County Court Clerk and a majority of the qualified voters of the City of Monticello voted in favor of the sale to South Kentucky. Attached hereto as Exhibit C is an outline of the entire sale

process beginning with MEPB's request for proposals (RFP) and concluding with submission of the question whether to sell the electric plant to the qualified voters. Specifically, the MEPB resolution to sell is attached as Exhibit D, the City of Monticello ordinance is attached as Exhibit E, and the Mayor of Monticello's advertisement is attached as Exhibit F. All are in accord with the statutory mandates for the sale of an electric plant of a plant board formed pursuant to the Kentucky TVA Act, KRS 96.550 to 96.901. Thus, upon the affirmative vote of the qualified voters of the City of Monticello, the agreement to sell became fully enforceable, valid and "legal". The agreement to sell therefore cannot be considered "illegal" or unlawful in any respect.

KRS 82.083 DOES NOT APPLY

Included within the MEPAK filing is a letter from an assistant attorney general implying that KRS 96.860 is not the governing statute. Instead, it is alleged that a general statute, KRS 82.083, applies and that a plant board can be sold pursuant to KRS 96.860 only as an afterthought and only if the city has not been able to sell the electric plant by either (1) public auction, (2) electronic auction or (3) sealed bids. However, for the reasons that follow, KRS 82.083 is inapplicable.

First, KRS 82.083 governs the sale of property by a city. MEPB is not a city and therefore the statute does not apply. MEPB was formed pursuant to KRS 96.740. It is a separate entity and cannot be considered a city. KRS 96.740(1) provides, in relevant part, as follows:

The board, when so appointed and qualified, shall be and hereby is declared to be a body politic and corporate, with perpetual succession; and may contract and be contracted with, sue and be sued, in and by its corporate name, and have and use a corporate seal. The name of the Board shall be "Electric Plant Board of the City of" (The name of the municipality to be inserted.).

In Louisville Water Company v. Wells 664 SW2d 525 (Ky. App. 1984), the court determined that the term “city” as used in the prevailing wage provisions of KRS Chapter 337 did not include the Louisville Water Company, a municipally owned corporation existing by virtue of KRS Chapter 96. The court states on page 526 as follows:

The Louisville Water Company is wholly owned by the City of Louisville. Its managing board is appointed by the mayor and elected officials of the City of Louisville. Its management is in the Board of Waterworks, and it is a corporate entity with the power to make contracts and to sue and be sued. The water company pays no income taxes or property taxes and it furnishes water to the City of Louisville free of charge. Its operations are guided primarily by KRS Chapter 96.

We agree with the Louisville Water Company that it is an agency of the City of Louisville, but we cannot agree that it is a “city” within the meaning of KRS 337.010(3)(e). Therefore, it is not entitled to the exemption.

In Dolan v. Louisville Water Co., 295 Ky. 291, 174 SW2d 425 (1943), the court concluded, “that the Louisville Water Company now is and has been since its incorporation pursuant to the Act of March 6, 1954, a distinct corporate entity separate and apart from the City of Louisville....” 295 Ky. At 301, 174 SW2d 425. We also note that in McIntosh v. Electric & Water Plant Board of Frankfort Ky., 394 SW2d 471 (1965), the Electric and Water Plant Board was not a “city” within the meaning of KRS 411.110, which requires a special notification to a city by an individual intending to sue it. The limitation was not applicable to the board.

This case is directly on point. The Louisville Water Company, like MEPB, is a municipal corporation formed and existing pursuant to KRS Chapter 96. It is a separate entity and cannot be considered a city pursuant to the sale of property provisions of KRS 82.083. Therefore KRS 82.083 plays no role in the MEPB’s decision to sell its electric plant.

Second, even if KRS 82.083 is held to apply (which South Kentucky denies), the provisions of the statute relating to auctions and bids are not mandatory. KRS 82.083(3) provides

that “(r)real or personal property may be” transferred or sold in the enumerated manner. To be mandatory, the statute must say “shall” or words to that effect. KRS 446.010 provides:

As used in the statute laws of this state, unless the context requires otherwise:

.

(20) “May is permissive”.

When considering the construction of statutes, “may” is permissive, and “shall” is mandatory. Alexander v. S & M Motors, Inc., 28 SW3d 303 (Ky. 2000). As such, KRS 82.083, not being mandatory, cannot be the cornerstone of any argument that the MEPB can only auction off its property or sell by sealed bids. And who says the high bidder is the proper purchaser anyway? MEPB has a legitimate interest in assuring that its former customers receive the best service available. Does the highest price guarantee that quality, efficient and timely service will be provided? Hardly.

Third, even if somehow held to be applicable to an entity not a city like MEPB, KRS 82.083 is a general statute regarding all sales of property and must yield to the specific provisions of KRS 96.860 governing the specific sale at issue herein: the sale of an electric plant by a municipal utility formed and existing under KRS Chapter 96. There is a long line of Kentucky cases holding that a specific statute preempts a general statute. In the most recent Supreme Court pronouncement, coincidentally also involving a Kentucky rural electric cooperative, Lewis v. Jackson Energy Co-op Corp., 189 SW3d 87 (Ky. 2005), the court succinctly states the rule of construction on page 94 of the opinion as follows:

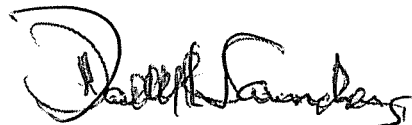
Where two statutes concern same or similar subject matter, specific statutes always prevail over general statutes.

Reliance upon the general statute, KRS 82.083, is unfounded in the face of the specific statute, KRS 96.860, which exhaustively sets forth the procedure for a sale of a Chapter 96 utility's electric plant.

CONCLUSION

There is no issue presented regarding the lawfulness of the procedure utilized for the sale of the MEPB electric plant. All requirements imposed by KRS 96.860 have been satisfied and the qualified voters of the City of Monticello overwhelmingly approved the sale to South Kentucky. KRS 82.083 is inapplicable because it applies only to cities and a municipal utility, the Louisville Water Company, also formed under Chapter 96, has been held not subject to statutes as a "city". Even if the quantum leap toward applicability of this provision is made, it still does not apply because it is not mandatory but, instead, permissive and because, at best, it represents a general statute which must yield to the specific statute, KRS 96.860.

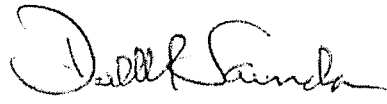
The commission is requested to determine without delay that KRS 82.083 is a red herring interposed by a lobbyist group to attempt to delay and thwart what the MEPB, the City of Monticello and the electric consumers of Monticello want: South Kentucky as their electric provider.



DARRELL L. SAUNDERS
ATTORNEY FOR SOUTH KENTUCKY
RURAL ELECTRIC COOPERATIVE
CORPORATION
700 MASTER STREET
P.O. BOX 1324
CORBIN, KENTUCKY 40702
(606) 523-1370 TELEPHONE
(606) 523-1372 FACSIMILE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was this 13th day of November, 2007 deposited in the regular United States mail, all postage prepaid and addressed for delivery to Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, KY 40602-0615 and Hon. Dennis Howard, II, Assistant Attorney General, Capitol Building, Suite 118, Capitol Avenue, Frankfort, KY 40601.



ATTORNEY FOR SOUTH KENTUCKY RURAL
ELECTRIC COOPERATIVE CORPORATION

AN ORDINANCE PROVIDING THAT THE CITY OF MONTICELLO, KENTUCKY ELECTS TO OPERATE UNDER THE PROVISIONS OF SECTIONS 96.550 THROUGH 96.900 OF KENTUCKY REVISED STATUTES, AND AUTHORIZING THE APPOINTMENT OF A BOARD OF PUBLIC UTILITIES.

WHEREAS, it is deemed advisable and for the best interests of the City that it accept the provisions of Sections 96.550 through 96.900 of Kentucky Revised Statutes and appoint a Board of Public Utilities in order that steps may be taken for the construction or acquisition by other means of an electric light and power system,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTICELLO, KENTUCKY AS FOLLOWS:

SECTION 1. That it is hereby certified that the City of Monticello, Kentucky desires to acquire and operate an electric plant under the provisions of Sections 96.550 through 96.900 of Kentucky Revised Statutes. That it is further certified and declared that the City desires and hereby intends to accept and operate under the provisions of said Act hereinbefore referred to and that the City hereby accepts and agrees to all of the provisions of said Act and to all of said provisions as they may be from time to time amended by the Acts of the General Assembly of Kentucky.

SECTION 2. That the Mayor is hereby authorized to appoint a Board of Public Utilities subject to the approval of the appointments by the City Council.

SECTION 3. That all ordinances and resolutions or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

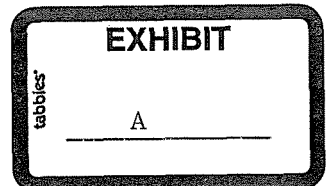
Passed and approved on September 16, 1947.

Cliff Huff
Mayor, City of Monticello, Kentucky

(Seal of City)

ATTEST:

Chas L. Wilburn
City Clerk, Monticello, Kentucky



WHEREAS, the City has for a number of years past deemed it desirable that the City purchase and operate the existing electric light and power system of the City of Monticello and the area adjacent thereto; and

WHEREAS, the purchase of said system has been declared to be legal by the Court of Appeals of Kentucky in the case Monticello Electric Light Co. vs City of Monticello & Electric Plant Board of the City of Monticello (Kentucky) 259 S.W. (2d) 486, decided on June 19, 1953; and

WHEREAS, the City has on the 21st day of August, 1953, entered into a contract of purchase with the Monticello Electric Light Company for the purchase of the electric system now serving the City and certain territory adjacent thereto, for the agreed price of \$225,000, said purchase to be contingent upon a majority of the qualified voters voting at the General Election to be held on November 3, 1953, voting in favor thereof;

NOW, THEREFORE, the City Council of the City of Monticello, does ordain as follows;

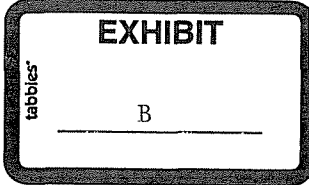
(1) It is hereby declared that it is desirable that the City of Monticello shall purchase and operate as a municipal electric plant the existing light and power system in the City of Monticello for an agreed price of \$225,000.

(2) That the City shall issue \$225,000.00 principal amount of its electric light and power revenue bonds to pay the purchase price of said system.

(3) That the question as to whether the City shall purchase the existing electric light and power system serving the City shall be submitted to the qualified voters of the City at the next General Election to be held on November 3, 1953. The question to be submitted shall be in words and figures as follows;

" Are you in favor of the City of Monticello purchasing from the Monticello Electric Light Company the electric plant at the price of \$225,000 and the issuance of revenue bonds in the amount of \$225,000?"

Yes
No



(4) Immediately after the passage of this ordinance, the Mayor shall certify this ordinance to the Clerk of the County Court of Wayne County and shall instruct him to print said question on the ballots provided for use in the General Election on November 3, 1953, in the City of Monticello.

(5) The Mayor is also authorized and directed to publish the following advertisement of such election at least forty-five days next before the date of such election in the newspaper of the largest circulation in the City of Montucello. He is likewise authorized and directed to have printed hand bills prepared and posted in not less than four conspicuous places in each voting precinct within the City and also at the Courthouse door, said handbills to be posted not less than forty-five (45) days next before the date of such election. Said advertisement and handbills shall be in words and figures as follows;

"NOTICE OF ELECTION"

Notice is hereby given by the City Council of the City of Monticello that the following question will appear on the ballot furnished each qualified voter within the City of Monticello at the General Election to be held on November 3, 1953.

Are you in favor of the City of Monticello purchasing from the Monticello Electric Light Company the elecyric plant at the price of \$225,000 and the issuance of revenue bonds in the amount of \$225,000?

Yes

No

Adopted at a meeting of the City Council held on the 14th., day of September, 1953, signed by the Mayor as evidence of his approval, under seal by the City Clerk, and ordered to be published.

R. D. Breeding

Mayor Pro Tem
City of Monticello
Mayor

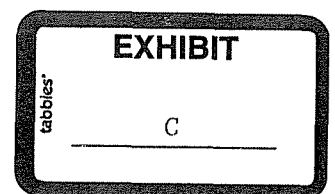
SEAL

ATTEST

Chas. L. Webb

Timeline of Events
 Monticello Electric Plant Board
 Acquisition

Event	Date
Letter from Mayor of Monticello for their Attorney & SKRECC Attorney to look at the possible purchase of MEPB "must be a "win-win" for all	March 1, 2003
Letter form Dale Henley of EKPC on what KRS would Apply to the Purchase of MEPB	May 5, 2003
Letter from Bennie Garland concerning the League of Cities Chief Legal Counsel Mr. Bill Thielen Opinion	May 28, 2003
MEPB's Five Year Notice to end Power Contract with TVA	November 20, 2003
Solicitation for Letter of Interest to EKPC for MEPB	September 12, 2005
Letter concerning Support Services to MEPB from SKRECC	September 15, 2005
EKPC Letter to SKRECC concerning Solicitation Letter of Interest	September 30, 2005
Letter Sent to MEPB to Provide Power, Services and Purchase of Assets	September 30, 2005
Letter from SKRECC to RUS asking for Financing of the MEPB	May 10, 2006
Eligibility of Financing from RUS	May 25, 2006
Due Diligence (RW Beck, Childers, Gonia)	August 1, 2006
Request for Proposal	August 1, 2006
Respond to RFP	September 28, 2006
Purchase and Sales Agreement	January 11, 2007
Resolution of MEPB	January 11, 2007
SKRECC Approved Purchase	January 11, 2007
Approval of City Council to Accept MEPB Resolution to Sale	January 23, 2007
First Reading of City Ordinance by City Attorney Gordon Germain	March 12, 2007
Letter from RUS	April 3, 2007
Second Reading of City Ordinance	April 9, 2007
Publication of City Ordinance	April 18, 2007
Spring Fest	May 11 & 12, 2007
Filed Application to PSC	August 21, 2007
Public Forum	September 27, 2007



RESOLUTION OF THE ELECTRIC PLANT BOARD
OF THE CITY OF MONTICELLO

WHEREAS the Electric Plant Board of the City of Monticello is desirous of selling its electric plant facility and assets to South Kentucky Rural Electric Co-Op Corporation, and

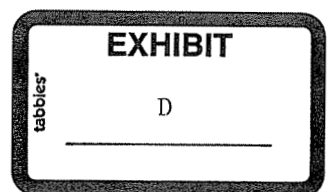
WHEREAS the Electric Plant Board of the City of Monticello desires to adopt a resolution pursuant to KRS 96.860 for the selling and disposing of its electric plant located within and outside the boundary of the City of Monticello, and

WHEREAS to be in compliance with KRS 96.860 and its requirement to adopt a resolution to be submitted to the City of Monticello and ultimately the qualified voters of the City, and

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Electric Plant Board of the City of Monticello does hereby adopt the following resolution, to-wit:

1. The Electric Plant Board of the City of Monticello has approved the proposed sale or disposition of all Electric Plant Board assets, unless otherwise excepted, to South Kentucky Rural Electric Co-Op Corporation by majority vote and Board approval at its regular board meeting held at its plant facility on North Main Street, Monticello, Kentucky on Thursday, January 11, 2007.

2. That the property to be sold or disposed of by the Electric



Plant Board shall consist of all real estate, personal property, substations, contract rights, utility poles, and other fixed assets of the Electric Plant Board of the City of Monticello with the exception of the accounts receivable, cash on hand and checking and savings accounts and its interest in NetPower, LLC and the one (1) existing deferred compensation contract which all shall be received and assumed by the City of Monticello, first subject however to the payment or fulfillment of any ongoing debts or contractual obligations to T.V.A. or other vendors, Creditors or employees of the Electric Plant Board, including but not limited to the \$400,000.00 debt of the Electric Plant Board.

3. The transferee or purchaser of the facility and assets of the Electric Plant Board of the City of Monticello is South Kentucky Rural Electric Co-Op Corporation of P.O. Box 910, Somerset, Kentucky 42502.

4. The consideration to be received by the Board for such sale or disposition, which shall ultimately be due the City of Monticello, Kentucky, shall be the sum of \$4,686,000.00, which represents \$4,600,000.00 for all assets and facilities and an additional \$86,000.00 for the membership fees of its members.

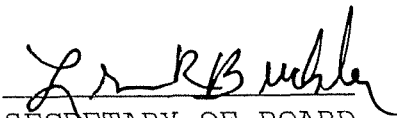
5. The terms and conditions of such sale or disposition are that \$86,000.00 shall be immediately repaid to South Kentucky RECC

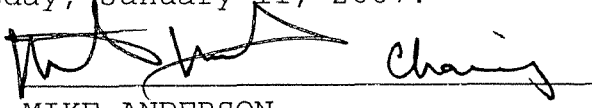
by the City of Monticello for and on behalf of the existing members of the Electric Plant Board of the City of Monticello at the rate of \$25.00 per existing customer which will cause the customers to then become members of South Kentucky Rural Electric Co-Op Corporation and the \$4,600,000.00 due the City of Monticello, Kentucky shall be paid at the rate of \$200,000.00 upon approval by the voters and all closing documents being executed and the balance of \$4,400,000.00 to be due and payable to the City of Monticello on a thirty (30) year promissory note with an amortized basis at the rate of 4.75% per annum with the first principal payment of \$146,666.67 plus accumulated interest on the unpaid principal to be paid on the __, day of _____, 2008 and with a like installment of \$146,666.67 plus interest on the unpaid balance due on the __, day of _____, of each consecutive and successive year thereafter for a total of thirty (30) years until paid in full, and with no prepayment rights on said note. It is also the directive and stipulation by the Electric Plant Board that Twenty Percent (20%) of the principal payment made to the City of Monticello each year be earmarked and designated by the City Council of the City of Monticello to be used for economic development.

6. The date on which the election to be held shall be Tuesday, November 6, 2007, which question shall be submitted to the

qualified voters of the municipality of Monticello, Kentucky for their approval or disapproval of this proposed sale.

The above resolution was formally adopted and approved by a majority vote of the Board of Directors of the Electric Plant Board of the City of Monticello on Thursday, January 11, 2007.

ATTEST: 
SECRETARY OF BOARD

 Chair
MIKE ANDERSON,
CHAIRMAN OF THE BOARD

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTICELLO, KENTUCKY RELATED TO THE DISPOSITION OR SALE OF THE MONTICELLO ELECTRIC PLANT BOARD ELECTRIC FACILITIES, STATING THE FINDING OF FACTS RELATED THERETO, STATING THE DESIRABILITY OF THE SALE, DIRECTING THE QUESTION OF THE SALE TO BE PREPARED AND PLACED BEFORE QUALIFIED VOTERS OF MONTICELLO, PROVIDING FOR THE CERTIFICATION OF SAID ORDINANCE TO THE COUNTY CLERK, AND PROVIDING FOR ADVERTISEMENT OF SUCH ELECTION.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Monticello, Kentucky as follows:

Section 1. That the City Council hereby finds the following facts, that the Monticello Electric Plant Board has adopted a Resolution, attached hereto, that states the Board has approved the proposed sale or disposition of it's electric facilities, including a full description of the property to be sold, the purchaser thereof, the consideration to be received, along with terms and conditions, and the date on which an election shall be held, all pursuant to KRS 96.860.

Section 2. That the Monticello Electric Plant Board submitted said Resolution to the City Council of the City of Monticello, Kentucky, who subsequently approved the Resolution on January 23, 2007 at a duly convened meeting of the Council.

Section 3. That due to the fact that the electric facility is geographically surrounded without the possibility of growth, that a larger system would benefit the customers of the electric facility through better bargaining and purchasing power that could lead to better rates, and that a larger system would provide faster and more reliable service in the unfortunate event of a disaster, the Monticello City Council hereby declares the sale to be desirable.

Section 4. That the question as to the sale or disposition of the Monticello Electric Plant Board electric facility shall be submitted to the qualified voters of the City of Monticello at the next regular election, said election to be held November 6, 2007.

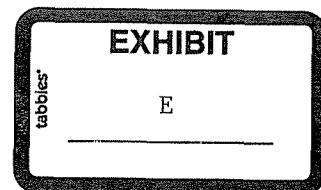
Section 5. That the question posed to the qualified voters shall be: "Are you in favor of the sale or disposition of the Monticello electric plant, for the consideration of \$4,686,000.00 (four million six hundred eight-six thousand dollars)." Said voters shall indicate a "Yes" or "No" vote.

Section 6. That this ordinance shall be certified to the county clerk by the second Tuesday of August 2007.

Section 7. That the Mayor shall advertise said election and the object thereof pursuant to KRS Chapter 424, also by printed handbills posted in not less that four (4) conspicuous places in each voting precinct in the City of Monticello and at the courthouse door. All qualified voters of the City of Monticello shall be privileged to vote at said election.

Section 8. That this ordinance shall take effect immediately upon its adoption and publications as required by Kentucky Statute.

PUBLICLY READ, APPROVED, AND ADOPTED at a duly convened meeting of the City Council of the City of Monticello, Kentucky held this _____ day of _____ 2007.



APPROVED:

Kenneth D. Catron, Mayor

ATTEST:

Gregory E. Latham
City Clerk/Treasurer

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

NOTICE OF ELECTION

On November 6, 2007, the qualified voters of the city of Monticello, Kentucky will be asked to vote on the

following question:

“Are you in favor of the sale or disposition of the Monticello YES

Electric Plant, for the consideration of Four Million Six-hundred Eighty-six Thousand Dollars (\$4,686,000) NO
to South Kentucky RECC?”

EXHIBIT

F

tabbles[®]