

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENERGY)	
CORP. FOR A CERTIFICATE OF CONVENIENCE)	CASE NO.
AND NECESSITY TO APPLY FOR A FRANCHISE)	2023-00044
FROM THE CITY OF HAWESVILLE)	

ORDER

On February 10, 2023, Kenergy Corp (Kenergy) filed its application with the Commission seeking a Certificate of Public Convenience and Necessity (CPCN) to authorize it to bid on a franchise to provide the city of Hawesville, Kentucky (Hawesville), for electric transmission and distribution service. Under the provisions of KRS 278.020(5), no utility may apply for a franchise from any governmental agency until it has obtained a CPCN from this Commission based on our finding that there is a need and demand for the service sought to be rendered.

According to Exhibit A, of Kenergy’s application, Hawesville has not yet adopted an ordinance creating a franchise for electric transmission and distribution service. However, the application signed by counsel for Kenergy states that “[o]n February 14, 2023, the City of Hawesville gave first reading to an ordinance. . .” as if that the first reading had already taken place. The use of the past tense verb “gave” in this instance is misleading as the application was filed four days prior to the scheduled first reading. Therefore, the Commission finds that it cannot determine that there is evidence of a need and demand for electric transmission and distribution service in Hawesville. Kenergy is encouraged to supplement its application with the appropriate attested documents once

Hawesville adopts an ordinance creating a franchise. Additionally the Commission finds that care should be taken in the future to avoid such premature filings.

IT IS HERBY ORDERED that Kenergy shall file evidence of a need and demand for the service sought to be rendered.

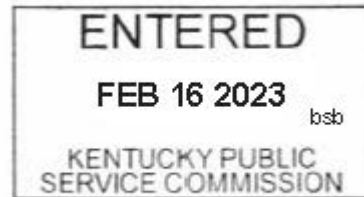
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PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

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