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March 2, 2006

TO: PARTIES OF RECORD
RE: Case No. 2005-00441
Tri-County Fish and Game Club vs. KU and Kenergy Corp.

On December 19, 2005, a telephone conference was held pursuant to an Order of the Commission. Participating in the conference were the following: attorney Frank N. King, Jr. for Kenergy Corp. ("Kenergy"); attorney Allison Sturgeon for Kentucky Utilities Company ("KU"); attorney Stephen R. Dunn for Tri-County Fish and Game Club ("Tri-County"); and Timothy N. Blakley, Daryl E. Newby, Steve Kingsolver and J. Robert Cowan for the Commission. During the informal conference, it appeared that the parties agreed, among other things, that KU would serve Tri-County or any successor until such time as Kenergy decides to serve Tri-County. The defendants stated that they would work together to draft a contract for review by Commission Staff.

On January 25, 2006, I received an e-mail from Mr. King with an attached proposed agreement from the parties. I responded to the e-mail on February 3, 2006, advising that the parties need "to file for Commission approval of their territory arrangement as provided for in KRS 278.018(6) to complete this arrangement." I am unaware of any filing with the Commission since that date. We advised the parties during the conference that, although they might reach an agreement, only the Commission has the final authority as to which utility will serve this customer or area.

I look forward to receiving an update from the parties on this matter.

Sincerely,

J. Robert Cowan
Staff Attorney