

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR AUTHORIZATION)	CASE NO.
OF CHANGES IN SERVICE TERRITORY)	2020-00319
WITH CLARK ENERGY COOPERATIVE, INC.)	

ORDER

On October 1, 2020, Kentucky Utilities Company (KU), pursuant to KRS 278.018(6), 807 KAR 5:001, Section 14, and 807 KAR 5:001, Section 22, applied for approval of changes in its certified service territory as agreed to with Clark Energy Cooperative, Inc. (Clark Energy). KU and Clark Energy have individually agreed to the requested territorial changes for two residential subdivisions.

The Ash Park Subdivision located in Madison County, Kentucky, crosses both KU and Clark Energy service territories. The developer established property lines for 192 individual lots when the land was subdivided, causing 16 “split” territories.¹ KU and Clark Energy agree to redraw the certified territorial boundary to match the existing individual property lines and to extend existing company facilities. This agreement eliminates the split territory issue with lot #'s 6, 9–17, 86–90, and 113. KU will serve lot #'s 6, 9–11, 86–90, and 113. Clark Energy will serve lot #'s 12–17.²

¹ KU's Responses to Commission Staff's First Request for Information, Item 4 (filed Jan. 19, 2021).

² *Id.*

The Magnolia Pointe Subdivision, in Madison County, Kentucky, also crosses both KU and Clark Energy service territories. The developer established property lines for 166 individual lots when the land was subdivided, causing 12 “split” territories and 15 affected properties.³ KU and Clark Energy agree to redraw the certified territorial boundary to match the existing individual property lines and to extend existing company facilities. This agreement eliminates the split territory issue with lot #'s 9–11, 29, 30, 43, 44, 100, 101, 128, 129, and 158. KU will serve lot #'s 9 and 10. Clark Energy will serve lot #'s 11, 29, 30, 43, 44, 100–102, 128, 129, and 158–160.⁴

KU and Clark Energy have provided a copy of the agreement that described the requested change in certified territories that was signed and dated by representatives of KU and Clark Energy.⁵ Also, KU and Clark Energy have provided three maps showing the proposed changes to the service territory: a 1:24,000 topographic map, a detailed map of the Ash Park Subdivision, and a detailed map of the Magnolia Pointe Subdivision.⁶ The topographic map was signed and dated by KU on September 11, 2020, and by Clark Energy on September 17, 2020.⁷ The detailed maps of the subdivisions were signed by KU on January 17, 2021, and Clark Energy on January 15, 2021.

³ *Id.*

⁴ *Id.*

⁵ Application, Exhibit 1.

⁶ The boundary change on the topographic map of Richmond North, KY, 1:24,000 United States Geological Survey is defined by the following Kentucky State Plane Coordinates, South Zone (North American Datum 1983) as shown on the detailed subdivision maps. See Appendix for coordinates.

⁷ Application, Exhibit 3 and 4.

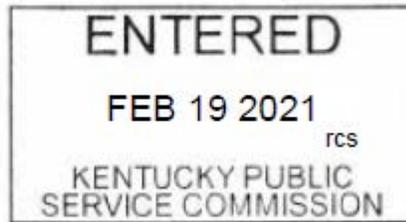
KRS 278.018(6) permits retail electric suppliers to contract with one another, subject to Commission approval, for the purpose of allocating territories and consumers between them, and designating which territories and consumers each provider will serve. The Commission is required to approve such a contract “if it finds that the contract will promote the purposes of KRS 278.016 and will provide adequate and reasonable service to all areas and consumers affected thereby.” The purposes of KRS 278.016, which authorizes exclusive service territories for retail electric suppliers, are (1) to promote the orderly development of retail electric service; (2) to avoid wasteful duplication and unnecessary encumbering of the land; (3) to prevent the waste of materials and natural resources; (4) to minimize disputes between retail electric suppliers; and (5) for public convenience and necessity.

The Commission finds that the proposed territorial boundary change promotes the purposes of KRS 278.016. The agreement between KU and Clark Energy to change the certified territorial boundary minimizes a potential dispute between retail electric suppliers, which may have resulted in inconvenience, diminished efficiency, avoids wasteful duplication of facilities, avoids unnecessary encumbering of the landscape, and provides adequate and reasonable service to all areas and property owners affected.

IT IS THEREFORE ORDERED that:

1. The boundary changes agreed upon by KU and Clark Energy at the Ash Park Subdivision and Magnolia Pointe Subdivision in Madison County, Kentucky, are approved.
2. This case is closed and removed from the Commission’s docket.

By the Commission



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00319 DATED FEB 19 2021

[TWO PAGES TO FOLLOW]

Ash Park Subdivision:

$\text{A} = \begin{matrix} N=2162985.90 \\ E=2070331.77 \end{matrix}$	$\text{L} = \begin{matrix} N=2163233.63 \\ E=2069467.03 \end{matrix}$
$\text{B} = \begin{matrix} N=2163039.46 \\ E=2070329.90 \end{matrix}$	$\text{M} = \begin{matrix} N=2163258.37 \\ E=2069369.86 \end{matrix}$
$\text{C} = \begin{matrix} N=2163040.41 \\ E=2070356.94 \end{matrix}$	$\text{N} = \begin{matrix} N=2163559.58 \\ E=2069390.32 \end{matrix}$
$\text{D} = \begin{matrix} N=2163195.29 \\ E=2070338.48 \end{matrix}$	$\text{O} = \begin{matrix} N=2163494.67 \\ E=2069314.97 \end{matrix}$
$\text{E} = \begin{matrix} N=2163237.54 \\ E=2070079.40 \end{matrix}$	$\text{P} = \begin{matrix} N=2163394.63 \\ E=2069149.13 \end{matrix}$
$\text{F} = \begin{matrix} N=2163258.49 \\ E=2070016.24 \end{matrix}$	$\text{Q} = \begin{matrix} N= 2163366.85 \\ E= 2069000.29 \end{matrix}$
$\text{G} = \begin{matrix} N=2163263.75 \\ E=2069952.30 \end{matrix}$	$\text{R} = \begin{matrix} N=2163359.01 \\ E=2068953.64 \end{matrix}$
$\text{H} = \begin{matrix} N=2163248.32 \\ E=2069807.31 \end{matrix}$	$\text{S} = \begin{matrix} N=2163353.77 \\ E=2068946.29 \end{matrix}$
$\text{I} = \begin{matrix} N=2163243.62 \\ E=2069782.78 \end{matrix}$	$\text{T} = \begin{matrix} N= 2163350.84 \\ E= 2068942.88 \end{matrix}$
$\text{J} = \begin{matrix} N=2163237.76 \\ E=2069755.96 \end{matrix}$	$\text{U} = \begin{matrix} N=2163314.70 \\ E=2069485.00 \end{matrix}$
$\text{K} = \begin{matrix} N=2163213.04 \\ E=2069569.19 \end{matrix}$	$\text{V} = \begin{matrix} N=2163228.13 \\ E=2069847.66 \end{matrix}$

Magnolia Pointe Subdivision:

 = N=2164621.83 E=2068295.96	 = N=2165563.73 E=2068100.29
 = N=2164677.64 E=2068389.17	 = N=2165618.09 E=2068094.19
 = N=2164842.62 E=2068304.56	 = N=2165760.51 E=2068010.73
 = N=2164860.85 E=2068333.84	 = N=2165759.61 E=2068008.61
 = N=2165050.07 E=2068229.92	 = N=2165913.58 E=2067959.51
 = N=2165108.86 E=2068197.63	 = N=2165959.77 E=2067939.77
 = N=2165154.67 E=2068177.19	 = N=2165976.48 E=2067992.17
 = N=2165337.90 E=2068079.54	 = N=2166141.56 E=2067939.53
 = N=2165358.47 E=2068141.33	 = N=2166162.87 E=2068048.19
 = N=2165400.46 E=2068125.27	 = N=2166166.28 E=2068057.76
 = N=2165532.89 E=2068047.66	

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