



Andy Beshear  
Governor

Rebecca W. Goodman  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

Kent A. Chandler  
Chairman

Amy D. Cabbage  
Vice Chairman

February 28, 2022

## PSC STAFF OPINION 2021-007

Todd Peyton  
Vice President, Engineering  
Clark Energy Cooperative  
2640 Ironworks Road  
Winchester, Kentucky 40391

Re: Clark Energy Cooperative's 2022-2025 Construction Work Plan

Dear Mr. Peyton:

Commission Staff acknowledges receipt of your letter dated January 31, 2022, on behalf of Clark Energy Cooperative, Inc. (Clark Energy) giving notice of a clarification and requesting reconsideration of staff advisory opinion 2022-007 (the opinion). Specifically, the letter requests reconsideration of Staff's finding that the Code 601 proposed meters are subject to a further CPCN requirement. Commission Staff stated in the opinion that the Code 601 project involving the purchasing and upgrading of 1,946 new meters does not satisfy the "ordinary course of business" exemption and would, therefore, require a CPCN authorization from the Commission prior to commencing this part of the Code 601 project.

Based upon the clarification that the proposed meters are intended solely for the purpose of connecting newly-constructed member service or member service upgrades, all of which are to be made in the ordinary course of business for timely fulfilling member service requests, Commission Staff has now changed its opinion that the proposed meters require a CPCN.

Further, since the new AMI meters are roughly 7% of the existing customers from Clark Energy's 2020 annual report (27,201 total) this 601 meter project does not qualify as a major investment.

This letter represents Commission Staff's interpretation of the law as applied to the facts presented. This opinion is advisory in nature and not binding on the Commission should the issues herein be formally presented for Commission resolution. Questions concerning this opinion should be directed to Andrew Bowker at (502) 782-2580.

Sincerely,

*Nancy J. Vinsel*

Nancy J. Vinsel  
General Counsel