

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CLARK ENERGY)	
COOPERATIVE, INC. FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	CASE NO.
AUTHORIZING CLARK ENERGY TO BID ON A)	2025-00274
FRANCHISE TO SERVE THE CITY OF)	
JEFFERSONVILLE, KENTUCKY)	

ORDER

On August 21, 2025, Clark Energy Cooperative (Clark Energy), by counsel, filed an application for a Certificate of Public Convenience and Necessity (CPCN), seeking authorization to bid on a franchise to serve the city of Jeffersonville, Montgomery County, Kentucky.

Clark Energy stated that it has certified territory pursuant to KRS 278.017 that is located within the boundary of the city of Jeffersonville and that it is currently providing retail electric service to any and all customers who require electric service within that territory.¹ Clark Energy indicated that the need and demand for retail electric service exists in the area for which it is seeking a franchise, because it has provided retail electric service to existing customers in area for many areas and will provide service to any new customers within its certified territory in the area.²

¹ Application at 2.

² Application at 2.

Clark Energy attached a copy of the proposed franchise agreement.³ Clark Energy noted that the proposed franchise agreement permits the city of Jeffersonville to assess a franchise fee of 3 percent of gross receipts per year from Clark Energy's electric sales within the city but only if the Commission authorizes Clark Energy to include the fee in rates.⁴ The proposed agreement then generally authorizes Clark Energy to operate within the city limits.⁵

Sections 163 and 164 of the Kentucky Constitution and KRS Chapter 96 authorize municipal corporations to require public utilities, including non-governmental providers of electricity within the municipal corporations' boundaries, to operate under franchise agreements and to grant utilities the right to use public right-of-way on reasonable and necessary conditions. Under the provisions of KRS 278.020(5), no utility may apply for or obtain a franchise from any governmental agency until it has obtained a CPCN from the Commission based on a determination that there is a need and demand for the service sought to be rendered.

Clark Energy did not file a copy of the city's ordinance authorizing the franchise on which the Commission generally relies, at least in part, to make a finding of need and demand.⁶ However, the information presented indicated that Clark Energy is effectively requesting an extension of an existing franchise to serve areas that are within its certified territory. Clark Energy is currently the only utility authorized to serve the area pursuant

³ Application at 1, Exhibit A.

⁴ Application at 2-3.

⁵ Application, Exhibit A.

⁶ See Case No. 2025-00407, *Electronic Application of Kentucky Utilities Company for a Certificate of Public Convenience and Necessity Authorizing KU to Bid on a Franchise established by the City of South Carrollton, Kentucky* (Ky. PSC Jan. 26, 2026), Order.

to KRS 278.018, and Clark Energy is currently serving customers in the area. Thus, the Commission finds that there is a need and demand for electric service in the city of Jeffersonville. Since the Commission's authority in such matters is limited by statute to finding only whether there is a need and demand for the service sought to be rendered, no finding or determination is made as to the qualifications of the bidder, the validity of any of the provisions of the franchise offered by the city, or the manner in which any franchise fee is to be treated for rate purposes.

IT IS THEREFORE ORDERED that:

1. Clark Energy is granted a CPCN that authorizes to apply for and obtain the electric utility franchise for the territory in the city of Jeffersonville, Montgomery County, Kentucky.

2. If Clark Energy is not the successful bidder, Clark Energy shall file with the Commission, within 30 days of the award of the franchise at issue or service of this Order, whichever is later, a written notice stating that Clark Energy was not the successful bidder.

3. If Clark Energy is the successful bidder, Clark Energy shall file with the Commission, within 30 days of service of this Order, a copy of the executed franchise agreement.

4. Any documents filed pursuant to ordering paragraphs 2 or 3 of this Order shall reference the number of this case and shall be electronically submitted via the Commission's electronic Tariff Filing System.

5. This Order shall not be construed as granting a CPCN to construct utility facilities in said city.


6. The Executive Director is delegated authority to grant reasonable extensions of time for filing any documents required by ordering paragraphs 2 or 3 of this Order upon Clark Energy's showing of good cause for such extension.

7. This case is closed and removed from the Commission's docket.

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Entered on this 21st day of April, 2026.


PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Commissioner



Andrew W. Wood
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Case No. 2025-00274

Service List for 2025-00274

* Brian Frasure
Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

* Chris Brewer
Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

* John S Pumphrey
Grant, Rose & Pumphrey
51 South Main Street
Winchester, KY 40391

* Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748