

COMMONWEALTH OF KENTUCKY

PUBLIC SERVICE COMMISSION

IN RE:	KENERGY CORP.)	CASE NO.
)	
)	2020-00095

VERIFIED PETITION FOR DECLARATORY ORDER

Petitioner, **KENERGY CORP.** (“Kenergy”), pursuant to 807 KAR 5:001, §19, petitions the Public Service Commission for a declaratory order requesting an interpretation of KRS 278.45.

JURISDICTION

Kenergy is a regulated utility under the jurisdiction of the Commission.
 Kenergy is subject to the jurisdiction of the Commission.

807 KAR 5:001, §19(2)(a) - STATEMENT OF FACTS

Kenergy Corp. is a retail supplier of electric energy. Kenergy purchases all of its energy from Big Rivers Electric Corporation (“Big Rivers”). Big Rivers has filed an application in Case No. 2020-00064 with the Commission that theoretically could result in a flow through adjustment of rates among Kenergy members pursuant to KRS 278.455. This statute dictates that the adjustment in rates to the retail members be on a “proportional basis.” Proportional basis is not a defined term under KRS Chapter 278.

Kenergy's classes consist of the residential class, the non-residential single phase, the three phase demand non-dedicated delivery points (0-1,001 kW), the three phase demand non-dedicated delivery points (1,001 kW and over), unmetered lighting, special charges, cable television attachment and the direct served customers, Classes A, B and C.

Kenergy proposes to allocate rate changes in rates based on the ratio of cost of service of each class. Allocating based on any other method results in a flow through allocation that potentially leaves one class subsidizing another class.

807 KAR 5:001, §19(2)(c) - APPLICANT'S INTEREST. The applicant's interest is its duty as a retail supplier of electric energy to ensure that its members pay rates that are fair, just and reasonable.

807 KAR 5:001, §19(2)(d) - APPLICABLE REGULATIONS. The regulations to which this application relates are 807 KAR 5:006, §14 and §19.

807 KAR 5:001, §19(2)(e) - PROPOSED RESOLUTION. The proposed resolution is to obtain an order from the Commission defining "proportional" basis as one that is gauged by the cost of service among each class so that changes in rates are borne in proportion to the cost of serving each respective class.

807 KAR 5:001, §19(3) SERVICE. A copy of this petition is served by mailing to the Kentucky Attorney General, Office of Rate Intervention, 1024 Capital Center Drive, Frankfort, KY 40601, and to Kentucky Industrial Utility Customers, Inc., by and

through is counsel, Michael L. Kurtz, Kurtz, Boehm, Kurtz & Lowrey, 36 E. Seventh Street, Suite 1510, Cincinnati, OH 45202.

DORSEY, GRAY, NORMENT & HOPGOOD
318 Second Street
Henderson, KY 42420
Telephone (270) 826-3965
Telefax (270) 826-6672
Attorneys for Kenergy Corp.

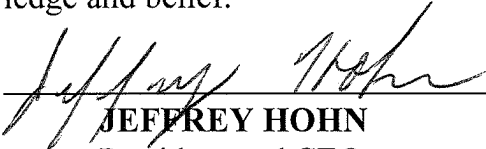
By



J. Christopher Hopgood
chopgood@dkgnlaw.com

VERIFICATION

I, **JEFFREY HOHN**, swear and affirm that the foregoing statements are true and correct to the best of my knowledge and belief.

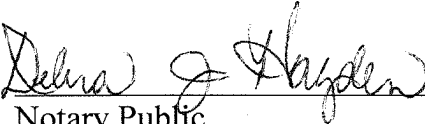


JEFFREY HOHN
President and CEO
KENERGY CORP.

STATE OF KENTUCKY
COUNTY OF DAVIESS

The foregoing was subscribed and sworn to before me by **JEFFREY HOHN**, President and CEO of **KENERGY CORP.**, this the 14th day of March, 2020.

My commission expires 5-24-2023



Notary Public