

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>THE ELECTRONIC APPLICATION OF</b>	)	
<b>KENERGY CORP. FOR A CERTIFICATE</b>	)	
<b>OF PUBLIC CONVENIENCE AND NECESSITY</b>	)	
<b>FOR THE CONSTRUCTION OF A HIGH-SPEED</b>	)	<b>Case No.</b>
<b>FIBER NETWORK AND FOR APPROVAL OF THE</b>	)	<b>2021-00365</b>
<b>LEASING OF THE NETWORK’S EXCESS CAPACITY</b>	)	
<b>TO AN AFFILIATE TO BE ENGAGED IN THE</b>	)	
<b>PROVISION OF BROADBAND SERVICE TO</b>	)	
<b>UNSERVED AND UNDERSERVED HOUSEHOLDS</b>	)	
<b>AND BUSINESSES OF THE COMMONWEALTH</b>	)	

**NOTICE OF COMMENCEMENT OF CONSTRUCTION OF  
FIBER OPTIC CABLE FOR BROADBAND SERVICE**

As a consequence of the recent passage and emergency enactment of Kentucky House Bill 315 (codified, in part, at KRS 278.5464<sup>1</sup>) and other factors,<sup>2</sup> Kenergy Corp. (“Kenergy”) hereby notifies the Kentucky Public Service Commission (the “Commission”) of its intent to proceed with constructing fiber optic cable for broadband service, which is addressed by Kenergy’s September 10, 2021 Application in this matter.

Kenergy continues to receive ongoing pleas for broadband from its members and local elected officials. Although Kenergy was hopeful to receive an order approving the Application prior to proceeding with construction even in light of House Bill 315, the continuing calls for broadband in Kenergy’s service territory compel it to action.

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<sup>1</sup> KRS 278.5464(3)(a) (“(a) Constructing and leasing excess capacity on any fiber optic cable for broadband cable which shall not require a certificate of public convenience and necessity under KRS 278.020 . . .” (emphasis added)).

<sup>2</sup> Recent comments by Chairman Chandler during his June 9, 2022 testimony before the Interim Joint Committee on Natural Resources & Energy corroborate the interpretation of House Bill 315. *Available at* <https://www.youtube.com/watch?v=ep25GxuGl7o>

Kenergy looks forward to receiving an Order from the Commission granting Kenergy's request for a CPCN to authorize Kenergy to construct and utilize the fiber optic cable for the purposes of supporting Kenergy's electric distribution system, which such cable will replace Kenergy's aging and outdated microwave radio communications system.<sup>3</sup>

This 15<sup>th</sup> day of July, 2022.

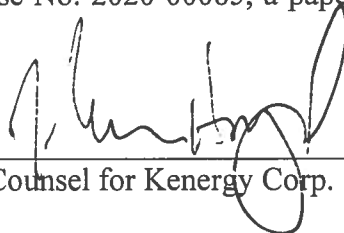
Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served electronically on all parties of record through the use of the Commission's electronic filing system, and there are currently no parties that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

  
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Counsel for Kenergy Corp.

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<sup>3</sup> KRS 278.5464(3)(a) (" . . . however, the construction of fiber optic cable used to support the distribution cooperative's electric distribution system shall require a certificate of public convenience and necessity under KRS 278.020." (emphasis added)).