

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

In the Matter of:

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

KENERGY CORP.'S RESPONSE TO THE PETITION FOR CLARIFICATION

Kenergy Corp. submits the following Response to the KBCA's Petition for Clarification.

Providing broadband is an unregulated business in Kentucky. The KBCA, representing a group of unregulated businesses, asks the Commission (under the guise of a "rehearing" request) to unlawfully regulate Kenergy's and Kenect's broadband activities. The Commission should deny this request.

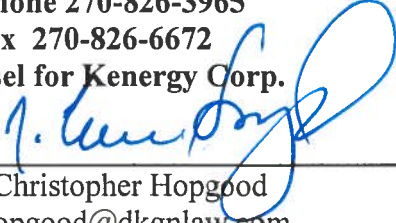
KRS 278.5464 was amended by the 2022 General Assembly to exempt electric cooperatives from a CPCN requirement when building fiber for the purpose of facilitating broadband service. Kenergy elected to proceed with construction of broadband fiber under this new legislation. The Commission's Final Order clearly confirmed that Kenergy is able to do so. The Commission's Final Order needs no further clarification, and it should reject KBCA's naked attempt to pull the Commission into the unlawful regulation of broadband service.

This 25th day of July, 2022.

Respectfully submitted,

DORSEY, GRAY, NORMENT & HOPGOOD
318 Second Street
Henderson, Kentucky 42420
Telephone 270-826-3965
Telefax 270-826-6672
Counsel for Kenergy Corp.

By: _____


J. Christopher Hopgood
chopgood@dkgnlaw.com

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.



Counsel for Kenergy Corp.