BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

IN THE MATTER OF:

SECOND AMENDEDAPPLICATION OF KENERGY CORP. FOR ACERTIFICATE OF CONVENIENCE AND NECESSITYCASE NO. 2023-336TO APPLY FOR A FRANCHISE FROM THE CITY OFLEWISPORT AND DIXON

The second amended application of **KENERGY CORP**. ("Kenergy")

respectfully shows:

(a) Kenergy is a nonprofit electric cooperative organized under KRS Chapter 279 and is engaged in the business of distributing retail electric power to member customers in the Kentucky counties of Daviess, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Ohio, Webster, Breckinridge, Union, Crittenden, Caldwell, Lyon, and Livingston,

(b) The post office address of Kenergy is Post Office Box 18, Henderson, Kentucky 42419-018.

(c) Kenergy is the consolidation successor of Green River Electric Corporation and Henderson Union Electric Cooperative Corp. A copy of the articles of consolidation is filed in Case No. 99-136.

(d) Applicant seeks authority to bid for and acquire a franchise from the City of Dixon to erect along, over, under and across the public ways and grounds thereof electric utility facilities used and owned by applicant in its distribution of retail electric service in and to Kenergy's certified territory in said city and the inhabitants thereof.

(e) A portion of the City of Dixon is located within the applicant's certified territory. On November 13, 2023, the City of Dixon gave first reading to an ordinance (Ordinance 23--001) providing for the sale of a franchise. The second reading of the ordinance was held on December 11, 2023. A copy of said ordinance is attached hereto marked "Exhibit A." The undersigned counsel has been unable to obtain a copy of the signed ordinance. The advertisement for bids is in the Sebree Banner which ran December 20, 2023 is filed herewith along the franchise agreement.

(f) The franchise being offered by the City of Dixon will have a term of five (5) years and the franchise fee will be 3% of revenues which will be passed along to those affected customers as a separate item on their bill. The other terms and conditions of the franchise are set forth in the aforementioned ordinance.

(g) Kenergy filed this application for both Lewisport and Dixon. However, Lewisport enacted its ordinance and advertised for bids quicker than Dixon. An amended application was filed for Lewisport. <u>This second amended application applies only</u> to Dixon.

WHEREFORE, applicant asks that the Public Service Commission of the Commonwealth of Kentucky make its order granting to applicant a certificate of

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convenience and necessity to bid for and acquire the aforementioned franchise from the City

of Dixon, and applicant further requests all proper relief.

Dated at Henderson, Kentucky, this 21st day of December, 2023.

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

By <u>Jen boy</u> J. Christopher Hopgood

ORDINANCE NUMBER 2023-1

An ordinance providing for the sales of a non-exclusive franchise or privilege to construct, maintain, operate, repair and remove an electric transmission and/or distribution system together with all necessary or convenient poles, wires, anchors, and other facilities and appurtenances for the purpose of transporting, distributing, and vending electric energy for public and private uses along, over and across the streets, avenues, lanes, alleys and public grounds of the City of Dixon, Webster County, Kentucky, for a period of five years. Said sale shall be 3% of revenues assessed only against residents/businesses residing within the corporate limits of the City of Dixon payable quarterly.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Dixon as follows:

That the right and privilege to use the public streets, avenues, lanes, alleys, and public grounds within the city limits of the City of Dixon, Webster County, Kentucky, for the purpose of constructing, maintaining, operating, repairing and removing an electric transmission and/or distribution system, together with poles, lines, anchors and other facilities, appurtenances required thereto for transportation, distribution and sale of electric energy to serving the City of Dixon, and public and private uses therein for the period of five (5) years commencing December 10, 2023, be duly advertised for sale publicly to the highest and best bidder, the City of Dixon reserving the right to reject any and all bids. Said sale shall be 3% of revenues assessed only against residents/businesses residing within the corporate limits of the City of Dixon, payable quarterly, plus all cost of advertising and selling. Said sale shall be object to confirmation and ratification or rejection by the Dixon City Commission.

The sale of the franchise herein contemplated shall be made by Barbara Goff, City Clerk of the City of Dixon, or by someone designated by her, who is hereby commissioned to make due advertisement of said sale, which advertisement shall include a description of said franchise, right and privilege in <u>The</u> <u>Journal Enterprise</u> and <u>The Sebree Banner</u>, newspapers of general circulation published in Webster County, Kentucky. The newspaper advertisement aforesaid shall be published in said newspapers one (1) time not less than seven (7) days nor more than twenty-one (21) days before the sale and within thirty (30) days after the final passage of this ordinance.

The said City Clerk shall submit a report of the sale in writing to the Dixon City Commission at its next meeting after the sale. The terms and conditions of the franchise, right and privilege so to be advertised and offered for sale, and to be granted in the event the sale is confirmed by the Dixon City Commission shall be as follows:

SECTION ONE: The purchaser, his or its successors or assigns, shall have the non-exclusive franchise, privilege, right and power to use and occupy the streets, avenues, alleys, lanes, and public grounds within the city limits of the City of Dixon to construct, maintain, operate, repair and remove an electric transmission and/or distribution poles, lines, wires, anchors and all other facilities and appurtenances necessary or convenient for the purpose of transporting, distributing, vending and conveying electric energy for public and private uses in the City of Dixon during a term of five (5) years commencing December 10, 2023. Said sale shall be 3% of revenues assessed against resident/businesses within the corporate limits of the City of Dixon payable quarterly.

SECTION TWO: Said construction, operation, maintenance, repair and removal shall be accomplished with the least practicable inconvenience to the public or individuals and with reasonable dispatch and diligence. All damage to the streets, sidewalks, or other public property caused by such operations shall



be repaired by the purchaser his or its successors or assigns, at his or its proper cost and without necessary delay. The purchaser, his or its successors or assigns shall be responsible for all injuries or damages to persons or property occasioned by want of care or negligence in conducting such operation.

The purchaser agrees to the underground placement of power lines and/or facilities in accordance with the purchaser's underground policy. Every reasonable effort shall be made by the purchaser to locate new power lines and/or facilities underground.

The purchaser agrees to allow the City of Dixon to utilize its power lines and/or facilities for special events, provided said utilization does not violate purchaser's safety regulations and any applicable law.

SECTION THREE: The purchaser, his or its successors or assigns shall have the right to remove all of its property and facilities from the streets, avenues, lanes, alleys, ways and public grounds of the City of Dixon within a reasonable time after the expiration of other termination of this franchise.

SECTION FOUR: All franchises previously granted by the City of Dixon regarding that portion of the City of Dixon that is in Kenergy Corp.'s certified territory, any of which is now held or may hereafter be acquired by the purchaser of this franchise, shall by hereby cancelled and revoked and the terms of any such franchise shall be considered as superseded by the franchise hereby created and defined.

SECTION FIVE: The franchise, right, privilege and power herein described, together with all the terms and conditions hereof, shall extend and apply to the successors and assigns of the purchaser, and unlimited and unrestricted power and authority to assign and transfer the same at will and without further consent thereto by the City of Dixon, or its inhabitants, is hereby expressly given and granted to the purchaser, his or its successors and assigned.

SECTION SIX: The purchaser, his or its successors or assigns, shall proceed with due diligence to obtain any required approval of applicable public regulatory bodies, to apply for and operate under this franchise.

SECTION SEVEN: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed and this ordinance shall be in full force and effect from and after its final passage and publication.

Introduced and publicly read on this the _____ day of _____, 2023.

Publicly read and adopted of second reading on this the _____ day of ______, 2023.

Dorris Crowley, Mayor City of Dixon, Kentucky

ATTEST:

Barbara Goff, City Clerk City of Dixon, Kentucky Dixon City Commission Regular Session Monday, November 13, 2023, 6pm

Dixon City Commission met in session Monday, November 13, 2023, 6 p.m. Attending were Mayor Dorris Crowley, Commissioners Terry Webb, Randy Norman, Jeff Graham, and Peggy Poole, City Attorney C. Alex Willson, City Clerk Barb Goff, and Code Enforcement Officer Jessica Veach.

Minutes were approved on a motion by Commissioner Norman, seconded by Commissioner Graham, all ayes.

Bills were approved on a motion by Commissioner Webb, seconded by Commissioner Poole, all ayes.

Water loss for October was at 33%. A leak responsible for 29% of the 33% was repaired on Lakeview Drive.

The Park Board's most recent meeting was October 5, and there are no plans for another meeting until after the first of the year, although that has not been scheduled. A burgoo fundraiser was held October 28, raising nearly \$500.

A portion of Robert Hill Drive that had been damaged in order to complete a leak repair has been repaired. An end of Stegal Street has also been repaired.

Dixon Fire Department completed 17 runs during the month of October.

Mrs. Veach gave a brief report regarding Code Enforcement activity. She will be mailing tomorrow 3 letters for new cases, a lien against the property has been filed and a second citation issued for one ongoing case, and another ongoing case will be posted as condemned.

A motion to table to a request from the Code Enforcement Board until next month was made by Commissioner Norman, seconded by Commissioner Webb, all ayes.

The recent Veterans Day Celebration, hosted by Dixon Tourism Board, was a success, and plans are underway for a repeated event next year.

Mayor Crowley approached Attorney Willson regarding the sale of property at 71 US Hwy 41A N, considering no bids were received. Mr. Willson will research alternative routes for the City to sell the property and report at the next meeting.

Commissioner Webb made a motion to approve a first reading of an ordinance to renew a franchise agreement with Kenergy, at the same 3% of revenues as the previous agreement, seconded by Commissioner Graham, all ayes.

Mayor Crowley announced a member of the community has approached him about instituting a restaurant tax within the City, and he presented the option to the Commission. After brief discussion, Commissioner Webb made a motion to indefinitely table the idea, seconded by Commissioner Graham, all ayes.

A Christmas dinner for City Commission, employees, board members, and Fire Department volunteers was scheduled for December 14 at 6 at Dixon Fire Department. A motion for the City to provide meat for the meal was made by Commissioner Webb, seconded by Commissioner Poole, all ayes.

The Commission approved a request from Webster County Public Library in May 2022 to install a sidewalk between the library and WC Senior Center. Commissioner Webb made a motion to proceed with the sidewalk installation using Street Fund monies, seconded by Commissioner Graham, all ayes.

A first reading of an ordinance amendment to increase water rates was approved on a motion by Commissioner Graham, seconded by Commissioner Poole, all ayes. The amendment increases water rates for all customer types in the following manner: Increase minimum base rate by \$3; increase by \$2 per thousand up to next 5,000 gallons after 2,000 base; increase by \$1 per thousand every thousand over 7,000 gallons used. All members of the Commission agreed the increase is undesirable, but necessary in order to allow Dixon Waterworks to continue operating without creating a more significant loss.

A first reading of an ordinance relating to Boards that operate under the City's umbrella was approved on a motion by Commissioner Webb, seconded by Commissioner Poole, all ayes. The new ordinance stipulates that all city boards must meet once monthly and follow Open Records and Open Meetings guidelines as referenced in KRS 61.810(1)-61.880, should submit minutes of each meeting within 7 days of the meeting, and submit written requests to the Commission for any projects requiring City funding. The Ethics Board will not be held to the monthly meeting stipulation, but instead will meet as needed, within 7 days of any complaint received.

A motion to adjourn was made by Commissioner Webb, seconded by Commissioner Norman, all ayes.

Signed:

Barbara Goff, City Clerk

Advertisement for franchise bids, to be published:

Bids providing for the sales of a non-exclusive or privilege to construct, maintain, operate, repair, and remove an electric transmission and/or distribution system together with all necessary or convenient poles, wires, anchors, and other facilities, and appurtenances for the purpose of transporting, distributing, and vending electric energy for public and private uses along, over and across the streets, avenues, lanes, alleys, and public grounds of the City of Dixon, Webster County, Kentucky, for a period of five years. Said sale shall be three percent (3%) of revenues assessed only against residents/businesses residing within the corporate limits of the City of Dixon that is in the Kenergy Corporation's certified territory.

Sealed bids may be delivered to City of Dixon at 10 US Hwy 41A N, PO Box 197, Dixon KY 42409, and will be accepted until 4pm January 8, 2024. Bids will be opened with possible awarding during the regular Commission meeting January 8 at 6pm.

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By Van Yandell Lake 11 41-12 *11 happened, when Elisa-beth heatil the greeting of Mary, that the inte-leaped in her worth; and Elisabeth was filled with the Holy Spir-lt. Fluen she spake out with a foud voice and word, 'Blessed are you amoust women, and blessed is the frust of your wombl' It seems very like-

ly, the recent so many doubt the Holy Bible, is because the miracles listed in it, are beyond uman comprehension. The accuracy of the

prophesy is also self-ex-plaining. We are seeing the events and condi-tions in our world that only God could have known 2000 years ago (Matthew 24, Mark 13, and Luke 211. Fut Mayone not ac-

existence of a super-natural reality, that doubt is understand-able. The minutes are nos explainable within human, physical world When we read of elderly women becom-

ing pregnant and we know their hodies have changed throughout the years, we raise our The storics of Sarah

The stories of Sarah and Rachael are exam-ples. The story of Elis-abeth (Luke 1) is aboth er. Luke 1: 7 'And thuy had no child, because that Elisabeth was harrvn, and they both were now well stricken in vours." "Well stricken in

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Clay City Council Meets

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The Clay Fire by particent is spouled in 1.3 respectively. Notestaber The depart ment under town fir-runy, and they Fire-barreture. Mayor Edgag told tuendiers the annual Clay Christman parade with a large crowd must-Department tendance He absoluted feer parts quest by

and veterans parade. Additionally, the de-partment hosted state City Clerk Christy Freehon unted the rity is prepared to begin the training for ates firmfighters. bldding provers for the Members of the Chry Fire Department also prived at the Provi-dence Fire Department

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bidding process for the water upgroup project. Thrae hids are expected to be called for exclami-ary 2024 There were no public on Sunday, December 9 during the finneral ser-vice of late Providence Fare Cheef Steve Burns appeals and no raput The Clay Fire De Council Rocky Wilhams, a member of the Clay Pire Department, told membets there is a need for

additional solutioners at the local deput theory. value Persons interested in wrying with Clas Fire D pariment ghould contact File Chief Jere-

PUBLIC NOTICE contact the Chief Jere-n's Moor. Mawar Edens an-townred the Jam-ary meeting will be reacheduled to Tues-day, Jesuary 16, 6:00 PM Tably Educate (ND brand Marry 195) Diann, NY 42405 appeared Administra No. 4 the Frists of Christophia (Dale Facessig et D ed-N = 2460 Data a guide and Negerster 7. 2023) Instantary and Arwais 7.7.7023. Settlament due Ne ember 11.70 (). Al G an multiple Scheduck on a smaller of appeared

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by John proclaimed to all those present and now, all of up, this Say for Jeans and His purpose hare on earth.

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simply tell the control. Einstheth successful design and constanting Mary Luke 1: 420-43 "Blessed wit than among wont on, and blessed is the in, and bleased is the fruit of thy words. And whence is this to not, that the nother of my lord should come to me?" What a benutiful

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that denue is the light of the world (Juhn 1 9) The green Christmust tree represents the new life He gives to as (Ephesiane 4: 23-24) Only through Hite can we be burn again (John 3).

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"Happy Holidays" but if there was no Jesus, there would be no holiday. Van Yandell is a re

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KENERGY FRANCHISE AGREEMENT WITH CITY OF DIXON, KENTUCKY

THIS FRANCHISE AGREEMENT entered into effective ______, 2024, by and between the City of Dixon, Kentucky (franchisor), and Kenergy Corporation, Post Office Box 18, Henderson, Kentucky 42418 (franchisee);

WHEREAS, the City of Dixon advertised for bids for a non-exclusive franchise to construct, maintain, operate, repair, and remove an electric transmission and/or distribution system in Kenergy's certified territory;

WHEREAS, Kenergy Corp was a successful bidder for the franchise, and;

WHEREAS, the terms and conditions of the franchise are stated in the Ordinance pertaining to the successful bid with Kenergy Corp and the City of Dixon, Kentucky;

NOW, therefore, the parties hereby AGREE that Kenergy Corp. is awarded a non-exclusive franchise to construct, maintain, operate, repair, and remove an electric transmission and/or distribution system in Kenergy's certified territory in the City of Dixon for a period of five (S) years, commencing on

______, 2024, and continuing thereafter until expiration. The franchise fee is three percent (3%) of revenues payable on the 15th day of the month following the end of each quarter. The terms and conditions of the franchise are as set forth in the Ordinance approved by the Dixon City Commission which is incorporated by reference herein.

Set forth this date: _____, 2024

City of Dixon, Kentucky

By: _____ Dorris Crowley, Mayor

ATTEST:

Barbara Goff, City Cierk

Kenergy Corporation

Ву:_____