

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

In the Matter of:

APPLICATION OF KENERGY CORP.)	
FOR CERTIFICATE OF CONVENIENCE)	CASE NO. 2023-00336
AND NECESSITY TO APPLY FOR A)	
FRANCHISE FROM THE CITY OF)	
LEWISPORT AND CITY OF DIXON)	

APPLICATION

Applicant, Kenergy Corp., submits the following Application for a Certificate of Public Convenience and Necessity to acquire franchises in the cities of Dixon and Lewisport, Kentucky.

(a) Applicant Kenergy Corp. (“Kenergy”) is a nonprofit electric cooperative organized under KRS Chapter 279 and is engaged in the business of distributing retail electric power to member consumers 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) Applicant’s Articles of Consolidation are on file with the Commission in Case No. 99-136.

(d) Applicant is and for many years has been the owner of separate franchises granted by the Kentucky city of Lewisport and city of Dixon to erect along, over, under or 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 said cities and the inhabitants thereof, which franchise, by its terms, will expire for the city of Lewisport on January 15, 2024, and will expire for the city of Dixon on December 10, 2023.

(e) Applicant owns sources of supply of electric power and energy now being furnished to customers in said cities and has distribution facilities in said cities, now used for the furnishing of retail electric service in said cities.

(f) There is and will continue to be a demand and need for retail electric service in and to such cities and the inhabitants thereof and applicant desires to apply for and obtain from such cities a new franchise to replace applicant's existing franchise from such cities.

(g) If applicant is successful in acquiring such franchise a copy of each will be filed with the Commission.

(h) The City of Lewisport advertised for bids on Thursday, October 5, 2023, with bids due by Thursday, October 19, 2023, at 1:00 p.m. The City of Dixon voted to put the franchise out for bid on Monday, October 9, 2023. Documents showing the foregoing actions are attached. The proposed franchise is an extension of the existing franchise on file with the Commission.

WHEREFORE, applicant asks that the Public Service Commission for the Commonwealth of Kentucky make its order granting to applicant a certificate of convenience and necessity to bid for and acquire the aforementioned franchise from the city of Lewisport and city of Dixon, and applicant further requests all proper relief.

Dated at Henderson, Kentucky, this 16th day of October, 2023.

DORSEY, GRAY, NORMENT & HOPGOOD
318 Second Street
Henderson, Kentucky 42420
Telephone 270-826-3965
Telefax 270-826-6672
Attorneys for KENERGY CORP.

By 
J. Christopher Hopgood
chopgood@dkgnlaw.com

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT entered into effective January 15, 2024, by and between the **CITY OF LEWISPORT, KENTUCKY** (“Franchisor”) and **KENERGY CORP.**, Post Office Box 18, Henderson, KY 42419 (“Franchisee”);

WHEREAS, the City of Lewisport advertised for bids for a non-exclusive franchise to construct, maintain, operate, repair and remove an electric transmission and/or distribution system;

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

WHEREAS, the terms and conditions of the franchise are stated in Ordinance _____ of the City of Lewisport, KY;

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 for a period of five (5) years commencing January 15, 2024, and continuing thereafter until expiration. The annual fee for the franchise is \$5,000.00 payable annually on July 1 of each year. The terms and conditions of the franchise are as set forth in Ordinance _____ which is incorporated by reference herein.

This the date above written.

CITY OF LEWISPORT, KY

By _____
Chad Gregory, Mayor

ATTEST: _____
City Clerk

KENERGY CORP.

By _____
Tim Lindahl, President and CEO

- All...
- Christmas items

NOTICE FOR THE RESIDENTS OF HANCOCK COUNTY

A special meeting of the Hancock County Board of Adjustments will be held on **Monday, October 16, 2023, at 7:00 pm**. This meeting will consider an application by Green River Distillery, for a dimensional variance. The location for the meeting is the Hancock County Administration Building located at 225 Main Cross Street, Hawesville, Kentucky, 3rd floor.

ADVERTISEMENT FOR BIDS

The City of Lewisport, Kentucky, will take bids for a non-exclusive franchise for the purpose of providing electrical service for the residents of the City of Lewisport including adjoining rural area. The date of the sale of said franchise is October 19, 2023, at 7:00 a.m. at the Lewisport City Hall, Lewisport, Kentucky, at which time all bids shall be opened and publicly read. The terms and conditions of the franchise to be bid as well as the official bid form, may be obtained at Lewisport City Hall, located at 405 Second Street, Lewisport, Kentucky, between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. The City of Lewisport reserves the right to reject any and all bids.

All bids must be on the official bid form and hand delivered to Lewisport City Hall no later than 1:00 p.m., Thursday, October 19, 2023.



True Value
Where Service is Not Just a Word But Our Way of Doing Business

DAUBY'S
True Value Hardware
1522 10th Street
Tell City IN 47586
812-547-2566

Authorized Dealer
Benjamin Benjamin Moore
Paints

ROB'S HEATING & AIR CONDITIONING

Sales • Service • New Installs
Residential • Light Commercial
—LICENSED AND INSURED—
Master License No. MD00937

Featuring Ruud Heating & Air Conditioning
We Service All Brands
270-295-3609
1480 John Pate Road Lewisport, KY

GN EXCAVATING
For all your excavating needs

Licensed & Insured
• Septic System Installation & Repair
• Trackhoe
• Trencher
• Bobcat
• Backhoe
• Dozer Service

FREE Estimates
Gary Nugent, Jr.
270-922-6492

Antenna Service

Tired of High Cable and Satellite Bills?

INSTALL AN OFF AIR ANTENNA
30 Channels
Major Networks
in HD
Antenna Mounted
Inside or Outside Home
No Monthly Bills
Call 270-929-0032

VAN WINKLE SEAMLESS GUTTERING

FREE Estimates

- Custom Colors 5" & 6"
- Gutter Screens
- No Leaks
- No Seams
- No Rust

David VanWinkle-Owner
812-259-0998
Licensed, Bonded & Insured

YOU CALL, WE HAUL!
Recycle your metal with **ALL KINDS OF SCRAP**

on Boyd Road in Cannelton, IN!
Now buying cars, copper, brass, cans and more!
Big Job? No Problem!

45's Supply

Industrial Supplies,
Ace's Safety Boots & Shoes,
OSHA Safety Supplies,
Janitorial Supplies, Sporting Goods, Apparel & Hunting Accessories
8155 US Hwy 60W
Lewisport
270-295-3854
robmcormick@45supply.com

Top Notch Tree Service

812-549-9412

C&C CONSTRUCTION SEPTIC INSTALLATION

Landscaping, Trenching, General Excavating.
Call 270-927-8202

ALL OVER MAINTENANCE
430 Pell St. Lewisport
270-922-5331

Call (270)927-8769 or Monday, Wednesday, Friday
8 am to 4 pm.

Equal Housing Opportunity

Handicapped Accessible
Equal Housing Opportunity and Housing
www.homelandinc.com

FOR SALE

Mazda For Sale
2020 MX-5
Hardtop/Convertible
2560mis
Auto, Gray, Flawless
\$31,000

Hardinsburg
Text/Call
859-620-7674

EVANS TIRE & AUTOMOTIVE

112 State Road 66 East
Tell City, IN • 812-547-46

TIRES FOR ALL BUDGETS

• Brakes • Alignments
• Suspension
• General Repairs
• Oil Changes

Equal Opportunity Employer
All Major Credit Cards Accepted

**BID PROPOSAL ON FIVE (5) YEAR ELECTRIC
FRANCHISE ESTABLISHED BY ORDINANCE _____
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF LEWISPORT, KENTUCKY**

In accordance with and in response to the provisions of Ordinance _____, providing for the sale of a nonexclusive, five (5) year franchise for use of public right-of-way within the city limits of Lewisport, Kentucky, for the construction, operation, maintenance and utilization of an electrical distribution system, as publicly advertised in the Hancock Clarion, Kenergy Corp., by its duly authorized representative, does hereby submit the following bid offer:

- (a) \$5,000 payable to the City of Lewisport, Kentucky, on an annual basis;
- (b) Bidder/Offeror acknowledges, understands, covenants and agrees to the terms and conditions set forth in Ordinance _____ and the terms and conditions of the franchise award shall be incorporated into a written agreement executed by both parties and effective _____.
- (c) Bidder/Offeror will reimburse City of Lewisport, or will pay directly all out-of-pocket costs incurred for publication of notices and ordinances advertising and awarding electric franchise.

Bid submitted by: KENERGY CORP.

By _____
Tim Lindahl, President/CEO

Date: _____

Dorris Crowley
Mayor

City of Dixon

E. Matt Cobb
Public Works Director

Barbara Goff
Clerk

Est.1861
"A Purple Heart City"

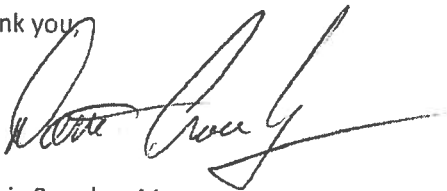
Jeff Yates
Fire Chief

October 10, 2023

Chris Hopgood,

During a regular Commission meeting held on October 9, 2023, Mayor Crowley announced the current franchise agreement with Kenergy will expire in December. Commissioner Webb made a motion to advertise for franchise bids, seconded by Commissioner Poole, all ayes. The advertisement will be printed in *The Sebree Banner* and *The Journal Enterprise* newspapers.

Thank you,



Dorris Crowley, Mayor

PO Box 197, Dixon KY 42409

Phone 270-639-5088
dixoncityclerk@outlook.com

FAX 270-639-5864
dixon.ky.gov

ORDINANCE NUMBER _____

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 The Journal Enterprise and The Sebree Banner, 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

KENERGY FRANCHISE AGREEMENT WITH CITY OF DIXON, KENTUCKY

THIS FRANCHISE AGREEMENT entered into effective _____, 2023, 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 (5) years, commencing on _____, 2023, 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: _____, 2023

City of Dixon, Kentucky

By: _____
Dorris Crowley, Mayor

ATTEST: _____
Barbara Goff, City Clerk

Kenergy Corporation

By: _____

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 November 13, 2023. Bids will be opened with possible awarding during the regular Commission meeting November 13 at 6pm.