

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENERGY CORP. FILING OF RETAIL SERVICE)	
AGREEMENT TO SOUTHWIRE COMPANY AND)	CASE NO.
WHOLESALE SERVICE AGREEMENT WITH BIG)	2009-00186
RIVERS ELECTRIC CORPORATION)	

ORDER

On April 24, 2009, Kenergy Corp. (“Kenergy”) made a tariff filing consisting of an unexecuted Agreement for Retail Service to Southwire Company (“Southwire”) and an unexecuted Agreement for Wholesale Service with Big Rivers Electric Corporation (“Big Rivers”). Kenergy’s cover letter requested that the 30-day statutory notice period set forth in KRS 278.180(1) be shortened to 20 days to expedite Commission review of the new special contract with Southwire so it can be implemented at the same time that Big Rivers closes the Unwind Transaction as approved in Case No. 2007-00455.¹ Kenergy’s cover letter also states that the proposed agreement for service to Southwire contains provisions on which the parties have not yet agreed and requests an informal conference with Commission Staff to discuss those provisions.

¹ The Applications of Big Rivers Electric Corporation for: (1) Approval of Wholesale Tariff Additions for Big Rivers Electric Corporation, (2) Approval of Transactions, (3) Approval to Issue Evidences of Indebtedness, and (4) Approval of Amendments to Contracts; and of E.ON U.S., LLC, Western Kentucky Energy Corp. and LG&E Energy Marketing, Inc. for Approval of Transactions.

In response to Kenergy's request for an informal conference, a conference was scheduled for April 30, 2009; however, that conference was cancelled at Kenergy's request due to certain other outstanding issues involving Southwire. Since that time, nothing further has been filed regarding the service agreement for Southwire.

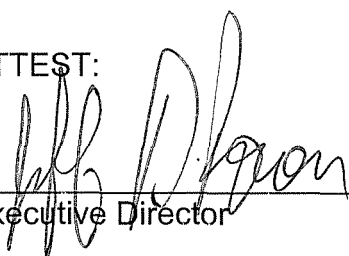
Based on the evidence of record and being otherwise sufficiently advised, the Commission finds that the as-filed service agreement for Southwire is unexecuted and, as acknowledged by Kenergy, contains provisions that have not been agreed to by the parties. Therefore, good cause has not been shown to shorten the 30-day notice period to 20 days under KRS 278.180(1). The Commission further finds that an informal conference should be held to allow Kenergy to discuss the existing provisions of the proposed service agreement for Southwire.

IT IS THEREFORE ORDERED that:

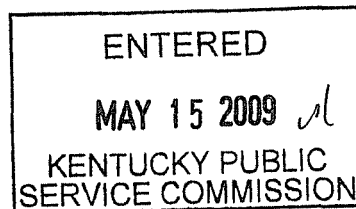
1. Kenergy's request to shorten from 30 to 20 days the notice period under KRS 278.180(1) is denied.
2. An informal conference shall be held on May 20, 2009 beginning at 1:00 p.m., Eastern Daylight Time, in Conference Room 2 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

By the Commission

ATTEST:



Executive Director



Honorable Frank N King, Jr.
Attorney at Law
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