

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENERGY	)	
CORP. FOR A GENERAL ADJUSTMENT OF	)	CASE NO.
RATES PURSUANT TO STREAMLINED	)	2021-00066
PROCEDURE PILOT PROGRAM	)	
ESTABLISHED IN CASE NO. 2018-00407	)	

ORDER

On March 11, 2021, Kenergy Corp. (Kenergy), pursuant to the amended “streamlined procedure” established in Case No. 2018-00407,<sup>1</sup> filed an application seeking a general adjustment in its rates. Under the procedure established in Case No. 2018-00407,<sup>2</sup> the Commission finds that the application meets the standards for the streamlined procedure and should be accepted for filing and processed according to the procedure established in Case No. 2018-00407. Based on the requirements of the streamlined rate procedure, the Commission finds that the application should be processed under this procedure. Accordingly, Kenergy should be granted deviation from the filing requirements of 807 KAR 5:001, Section 12(1)(a), and 807 KAR 5:001, Sections 16(1)(b)(2), (4)(j)-(s), 4(v), and 5(b)-(d).

All requests for intervention should be filed by the date established in the procedural schedule. As set forth in 807 KAR 5:001, Section 4(11)(a), a person

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<sup>1</sup> Case No. 2018-00407, *A Review of the Rate Case Procedure for Electric Distribution Cooperatives* (Ky. PSC Dec. 20, 2019).

<sup>2</sup> *Id.*, Appendix A at 1–2.

requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceedings which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction.

The Commission further finds that any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not adequately presented, or the issues and facts the person will present that will assist the commission in fully considering the matter. A mere recitation of the quantity of electricity consumed by the movant or a general statement regarding a potential impact of a possible modification of rates will not be deemed sufficient to establish a special interest.

Kenergy has proposed that its rates go into effect on April 11, 2021. Under the procedure outlined in Case No. 2018-00407, the Commission is to issue a final Order addressing the application no later than 75 days after Kenergy filed its application. The date for issuing a final Order falls after the proposed effective date in the tariffs, and the Commission will not be able to complete its investigation by April 11, 2021. Pursuant to KRS 278.190(2), the Commission will, therefore, suspend the effective date of the proposed rates for five months, up to and including September 11, 2021.

The Commission notes that pursuant to Executive Order 2020-215, there exists a State of Emergency in the Commonwealth of Kentucky caused by COVID-19. One

consequence of the state of emergency is that the majority of the Commissioners and Commission Staff are working remotely and not in the Commission's offices, which could affect the ability of the Commission to process this application within the 75 days established in the streamlined procedure. The Commission cautions, therefore, that it may find it necessary to extend the 75-day deadline as the situation warrants.

The Commission reminds the parties that pursuant to the Commission's Orders in Case No. 2020-00085,<sup>3</sup> issued March 16, 2020, and March 24, 2020, the parties SHALL NOT FILE the original paper copy of any documents filed in this proceeding, but rather shall file original paper copies within 30 days of the lifting of the current state of emergency.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order, which is attached hereto and incorporated herein, shall be followed.
2. Kenergy's rates are suspended for five months from April 11, 2021, until September 11, 2021.
3. Kenergy is granted a deviation from the requirements of 807 KAR 5:001, Section 12(1)(a), and 807 KAR 5:001, Sections 16(1)(b)(2), (4)(j)-(s), 4(v), and 5(b)-(d).
4. Kenergy's 2018<sup>4</sup> and 2019<sup>5</sup> annual reports are incorporated by reference into the record of this proceeding.

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<sup>3</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

<sup>4</sup> *Annual Report of Kenergy Corp. to the Public Service Commission of the Commonwealth of Kentucky for the Calendar Year Ended December 31, 2018.*

<sup>5</sup> *Annual Report of Kenergy Corp. to the Public Service Commission of the Commonwealth of Kentucky for the Calendar Year Ended December 31, 2019.*

By the Commission



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00066 DATED MAR 25 2021

Requests for intervention shall be filed no later than..... 04/02/2021

All requests for information to Kenergy  
shall be filed no later than ..... 04/15/2021

Kenergy shall file responses to requests  
for information no later than ..... 04/29/2021

Any written comments regarding Kenergy's application  
shall be filed no later than ..... 05/06/2021

This case shall be submitted for a decision on..... 05/07/2021

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