

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

NOTICE OF FILING

Notice is given to all parties that the following materials have been filed into the record of this proceeding:

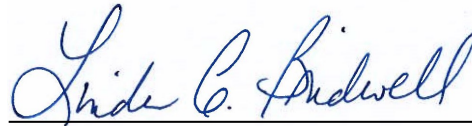
- The digital video recording of the evidentiary hearing conducted on March 31, 2022 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- A written log listing, inter alia, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on March 31, 2022

A copy of this Notice, the certification of the digital video record, and hearing log have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at

<https://youtu.be/yEKodhGKQml>.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 11th day of May 2022.

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is written in a cursive style with a horizontal line underneath it.

Linda C. Bridwell
Executive Director
Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENERGY CORP.)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR THE CONSTRUCTION OF A)
HIGH-SPEED FIBER NETWORK AND FOR)
APPROVAL OF THE 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)

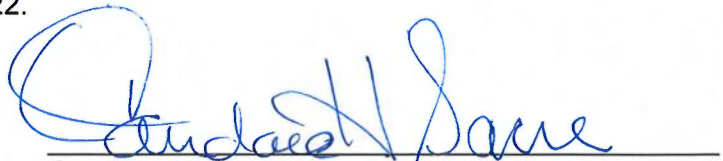
CASE NO.
2021-00365

CERTIFICATION

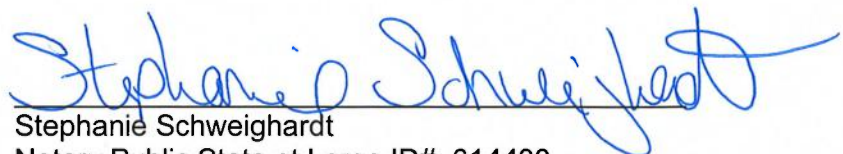
I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on March 31, 2022. The Formal Hearing Log, Exhibit, and Exhibit List are included with the recording on March 31, 2022;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of March 31, 2022; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of March 31, 2022, and the time at which each occurred.

Signed this 8th day of May, 2022.



Candace H. Sacre
Administrative Specialist III



Stephanie Schweighardt
Notary Public State at Large ID#: 614400
Commission Expires: January 14, 2023



Date:	Type:	Location:	Department:
3/31/2022	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Jonathan Chambers; Jeff Hohn; Jason Keller; Travis Siewert; Robert Stumph
 Judge: Kent Chandler; Amy Cubbage
 Clerk: Candace Sacre

Event Time	Log Event	
9:14:24 AM	Session Started	
9:14:30 AM	Session Paused	
9:14:33 AM	Session Resumed	
9:14:48 AM	Chairman Chandler Note: Sacre, Candace	Good morning. We are on the record in Case No. 2021-00365, the electronic application of Kenergy Corporation for a Certificate of Public Convenience and Necessity for the construction of a high-speed fiber network and for approval of the 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.
9:15:18 AM	Chairman Chandler Note: Sacre, Candace	My name is Kent Chandler. I am Chairman of the Kentucky Public Service Commission. I am joined today by Vice Chair Amy Cubbage.
9:15:24 AM	Chairman Chandler Note: Sacre, Candace	Hearing recommendations. (Click on link for further comments.)
9:15:51 AM	Chairman Chandler Note: Sacre, Candace	The hearing today is for the purpose of taking evidence on the application in this matter.
9:15:55 AM	Chairman Chandler Note: Sacre, Candace	Entry of appearance of counsel.
9:15:59 AM	Atty Hopgood Kenergy Note: Sacre, Candace	Chris Hopgood.
9:16:05 AM	Asst Atty General West Note: Sacre, Candace	Michael West,
9:16:06 AM	Camera Lock Deactivated	
9:16:12 AM	Atty Osterloh KBCA Note: Sacre, Candace	Todd Osterloh, Jim Gardner, and Rebecca Price.
9:16:24 AM	Gen Counsel Vinsel PSC Note: Sacre, Candace	Nancy Vinsel and Justin Young.
9:16:28 AM	Chairman Chandler Note: Sacre, Candace	Public notice. (Click on link for further comments.)
9:16:57 AM	Chairman Chandler Note: Sacre, Candace	Outstanding petitions or motions. (Click on link for further comments.)
9:17:08 AM	Chairman Chandler Note: Sacre, Candace	Public comments. (Click on link for further comments.)
9:19:46 AM	Chairman Chandler Note: Sacre, Candace	Mr. Hopgood, first witness?
9:19:50 AM	Atty Hopgood Kenergy Note: Sacre, Candace	Jonathan Chambers.

9:19:52 AM Chairman Chandler
Note: Sacre, Candace Procedural discussion. (Click on link for further comments.)

9:20:14 AM Chairman Chandler
Note: Sacre, Candace Witness is sworn.

9:20:23 AM Chairman Chandler - witness Chambers
Note: Sacre, Candace Examination. Name and address?

9:20:33 AM Atty Hopgood Kenergy - witness Chambers
Note: Sacre, Candace Direct Examination. Where work?

9:20:41 AM Atty Hopgood Kenergy - witness Chambers
Note: Sacre, Candace Provided testimony and submitted responses?

9:20:48 AM Atty Hopgood Kenergy - witness Chambers
Note: Sacre, Candace Any changes need to be made?

9:20:57 AM Chairman Chandler
Note: Sacre, Candace Questions?

9:21:16 AM Chairman Chandler - witness Chambers
Note: Sacre, Candace Examination. Scope of projects Kenect done to date, fiber installation on scale \$150 million?

9:21:38 AM Chairman Chandler - witness Chambers
Note: Sacre, Candace Curious, give range of size of projects participated in in past?

9:22:51 AM Chairman Chandler - witness Chambers
Note: Sacre, Candace Kenergy certainly fall middle of range?

9:23:19 AM Chairman Chandler
Note: Sacre, Candace Mr. Hopgood?

9:23:46 AM Chairman Chandler
Note: Sacre, Candace Next witness?

9:23:48 AM Atty Hopgood Kenergy
Note: Sacre, Candace Jeff Hohn.

9:24:05 AM Chairman Chandler
Note: Sacre, Candace Witness is sworn.

9:24:12 AM Chairman Chandler - witness Hohn
Note: Sacre, Candace Examination. Name and address?

9:24:19 AM Atty Hopgood Kenergy - witness Hohn
Note: Sacre, Candace Direct Examination. Where work?

9:24:22 AM Atty Hopgood Kenergy - witness Hohn
Note: Sacre, Candace Title?

9:24:24 AM Atty Hopgood Kenergy - witness Hohn
Note: Sacre, Candace Provided testimony and submitted responses?

9:24:30 AM Atty Hopgood Kenergy - witness Hohn
Note: Sacre, Candace Any changes need to be made?

9:24:37 AM Chairman Chandler
Note: Sacre, Candace Mr. West?

9:24:41 AM Asst Atty General West - witness Hohn
Note: Sacre, Candace Cross Examination. Discuss safeguards put in place make sure ratepayers electric utility not subsidize broadband affiliate?

9:25:11 AM Asst Atty General West - witness Hohn
Note: Sacre, Candace Other additional safeguards in place, different business structure?

9:25:25 AM Chairman Chandler
Note: Sacre, Candace Questions?

9:25:36 AM Gen Counsel Vinsel PSC - witness Hohn
Note: Sacre, Candace Cross Examination. Confirm what just said, Kenergy not expect any net cost to owner members?

9:25:52 AM Gen Counsel Vinsel PSC - witness Hohn
Note: Sacre, Candace In application, testimony, responses, half radio equipment no long manufactured?

9:26:13 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	Manufacturer Alcatel?
9:26:21 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	When stopped manufacturing equipment?
9:26:34 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	Post-hearing data request documentation when Alcatel stopped manufacturing equipment and stopped technical support?
9:26:35 AM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	GEN COUNSEL VINSEL PSC - WITNESS HOHN DATE WHEN ALCATEL STOPPED MANUFACTURING RADIO EQUIPMENT AND DATE WHEN STOPPED TECHNICAL SUPPORT
9:27:00 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	Given half system no longer manufactured, Kenergy had problems obtaining replacement parts?
9:27:15 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	New or used equipment?
9:27:22 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	Refurbished?
9:27:29 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	In response, Kenergy indicated decided fiber network way to go, case where benefits to service and reliability fiber network so enhanced was no comparison, or more case fiber more like Cloud storage and microwave like floppy disks, benefits so enhanced or one technology just dying?
9:28:46 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	Financial guarantees part of contract, guarantee from Conexon for lease payments, guarantee that lease payments be made over certain time?
9:29:10 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	Is this the backstop, the guarantee?
9:29:16 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	Unconditional guarantee?
9:29:25 AM	Gen Counsel Vinsel PSC - witness Hohn Note: Sacre, Candace	Follow up post-hearing data request?
9:29:26 AM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	GEN COUNSEL VINSEL PSC - WITNESS HOHN CONFIRM WHETHER GUARANTEE FROM CONEXON FOR LEASE PAYMENTS AN UNCONDITIONAL GUARANTEE
9:29:35 AM	Chairman Chandler Note: Sacre, Candace	Vice Chair?
9:29:37 AM	Vice Chairman Cubbage - witness Hohn Note: Sacre, Candace	Examination. Kenergy done economic feasibility study for this?
9:30:41 AM	Vice Chairman Cubbage - witness Hohn Note: Sacre, Candace	Just study or rolling out broadband through co-op?
9:30:48 AM	Vice Chairman Cubbage - witness Hohn Note: Sacre, Candace	Been submitted?
9:30:56 AM	Session Note Entry Note: Sacre, Candace	Mr. Hopgood?
9:31:00 AM	Atty Hopgood Kenergy - witness Hohn Note: Sacre, Candace	Redirect Examination. Was a feasibility study done by Conexon?
9:31:03 AM	Chairman Chandler Note: Sacre, Candace	Stick around end of hearing. (Click on link for further comments.)
9:31:27 AM	Chairman Chandler Note: Sacre, Candace	Next witness?

9:31:29 AM	Atty Hopgood Kenergy Note: Sacre, Candace	Travis Siewert.
9:31:47 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
9:31:54 AM	Chairman Chandler - witness Siewert Note: Sacre, Candace	Examination. Name and address?
9:32:02 AM	Atty Hopgood Kenergy - witness Siewert Note: Sacre, Candace	Direct Examination. Where work?
9:32:05 AM	Atty Hopgood Kenergy - witness Siewert Note: Sacre, Candace	Job title?
9:32:08 AM	Atty Hopgood Kenergy - witness Siewert Note: Sacre, Candace	Provided testimony and submitted responses?
9:32:14 AM	Atty Hopgood Kenergy - witness Siewert Note: Sacre, Candace	Any changes need to be made?
9:32:23 AM	Chairman Chandler Note: Sacre, Candace	Questions?
9:32:31 AM	Staff Atty Young PSC - witness Siewert Note: Sacre, Candace	Cross Examination. Sharing between Kenergy and Kenect when comes to employees?
9:32:51 AM	Staff Atty Young PSC - witness Siewert Note: Sacre, Candace	Regarding how maintain books, separation of books required by statute?
9:33:23 AM	Chairman Chandler Note: Sacre, Candace	Questions?
9:33:31 AM	Chairman Chandler Note: Sacre, Candace	Witness excused.
9:33:41 AM	Chairman Chandler Note: Sacre, Candace	Another witness?
9:33:42 AM	Atty Hopgood Kenergy Note: Sacre, Candace	Robert Stumph.
9:34:01 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
9:34:07 AM	Chairman Chandler - witness Stumph Note: Sacre, Candace	Examination. Name and address?
9:34:15 AM	Atty Hopgood Kenergy - witness Stumph Note: Sacre, Candace	Direct Examination. Where work?
9:34:17 AM	Atty Hopgood Kenergy - witness Stumph Note: Sacre, Candace	Job title?
9:34:21 AM	Atty Hopgood Kenergy - witness Stumph Note: Sacre, Candace	Provided testimony and submitted responses?
9:34:27 AM	Atty Hopgood Kenergy - witness Stumph Note: Sacre, Candace	Any changes need to be made?
9:34:34 AM	Chairman Chandler Note: Sacre, Candace	Questions?
9:34:43 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	Cross Examination. What difficulties Kenergy had locating/purchasing microwave equipment?
9:35:12 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	Same question tech support, phased out, difficulty acquiring?
9:35:29 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	Currently, no availability tech support?
9:35:35 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	Benefits using fiber optic network within modern smart meters versus other methods?

9:35:47 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	Using fiber optics with meters versus other communication method?
9:35:59 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	When fiber optics into place, expected benefits between two?
9:36:10 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	Any particular ones?
9:36:20 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	Unique benefits using fiber optic network overall versus other type communications?
9:36:42 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	No way two-way communication currently microwave?
9:36:50 AM	Staff Atty Young PSC - witness Stumph Note: Sacre, Candace	Any unique advantages using fiber optics cybersecurity?
9:37:13 AM	Chairman Chandler Note: Sacre, Candace	Questions?
9:37:16 AM	Chairman Chandler - witness Stumph Note: Sacre, Candace	Examination. Follow up Vinsel question earlier, hear that about manufacturing support?
9:37:20 AM	Chairman Chandler - witness Stumph Note: Sacre, Candace	Have documentation, email, message, letter, indicating no longer provide support, manufacturer?
9:37:39 AM	Chairman Chandler - witness Stumph Note: Sacre, Candace	How come across fact not providing support?
9:37:55 AM	Chairman Chandler Note: Sacre, Candace	Mr. Hopgood?
9:37:57 AM	Chairman Chandler Note: Sacre, Candace	Witness excused.
9:38:00 AM	Chairman Chandler Note: Sacre, Candace	Applicant have anything else?
9:38:11 AM	Atty Hopgood Kenergy Note: Sacre, Candace	No further testimony.
9:38:13 AM	Chairman Chandler Note: Sacre, Candace	Mr. Osterloh?
9:38:15 AM	Atty Osterloh KBCA Note: Sacre, Candace	Jason Keller.
9:38:29 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
9:38:35 AM	Chairman Chandler - witness Keller Note: Sacre, Candace	Examination. Name and address?
9:38:44 AM	Atty Osterloh KBCA - witness Keller Note: Sacre, Candace	Direct Examination. Role with KBCA?
9:38:53 AM	Atty Osterloh KBCA - witness Keller Note: Sacre, Candace	Prepare and cause filed testimony and sponsor responses?
9:39:01 AM	Atty Osterloh KBCA - witness Keller Note: Sacre, Candace	Adopt as your testimony today?
9:39:09 AM	Chairman Chandler Note: Sacre, Candace	Questions?
9:39:15 AM	Chairman Chandler Note: Sacre, Candace	Witness excused.
9:39:47 AM	Chairman Chandler Note: Sacre, Candace	Excuse Hohm.
9:40:01 AM	Chairman Chandler Note: Sacre, Candace	Anything need to take up? (Click on link for further comments.)

9:40:20 AM	Chairman Chandler Note: Sacre, Candace	Post-hearing data requests. (Click on link for further comments.)
9:42:11 AM	Chairman Chandler Note: Sacre, Candace	Briefs. (Click on link for further comments.)
9:46:10 AM	Chairman Chandler Note: Sacre, Candace	Anything else?
9:46:32 AM	Chairman Chandler Note: Sacre, Candace	Take a short recess.
9:46:35 AM	Session Paused	
9:48:55 AM	Session Resumed	
9:48:56 AM	Chairman Chandler Note: Sacre, Candace	Back on record in Case No. 2021-00365.
9:49:02 AM	Chairman Chandler Note: Sacre, Candace	Checked, individual interest providing public comment not logged back in.
9:49:08 AM	Chairman Chandler Note: Sacre, Candace	Hearing adjourned.
9:49:25 AM	Session Ended	

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*J. Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*J. Christopher Hopgood
Dorsey, Gray, Norment & Hopgood
318 Second Street
Henderson, KENTUCKY 42420

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*Jeffrey Hohn
President
Kenergy Corp.
6402 Old Corydon Road
P. O. Box 18
Henderson, KY 42419

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Kenergy Corp.
6402 Old Corydon Road
P. O. Box 18
Henderson, KY 42419

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204