

**96.520 City of the home rule class or urban-county government may acquire and operate electric light, heat, and power plants -- Regulation of provision of telecommunications services or municipal telephone service -- Interconnection agreements with utilities or utility affiliates -- Bonds.**

- (1) Any city of the home rule class or urban-county government may purchase, establish, erect, maintain, and operate electric light, heat, and power plants, with extensions and necessary appurtenances, within or without the corporate limits of the city or the urban-county government, for the purpose of supplying the city or urban-county government and its inhabitants with electric light, heat, power, and telecommunications. Any city-owned or urban-county government-owned utility created under this section that provides telecommunications services shall be regulated as to that service by KRS Chapter 278. Any city-owned or urban-county government-owned utility created under this section that provides municipal telephone service shall be regulated as to that service by KRS Chapter 278. For the purpose of providing electric light, heat, power, and telephone services, a city of the home rule class or urban-county government may enter into and fulfill the terms of an interconnection agreement with any electric or combination electric or gas utility whose rates and service are regulated by the Public Service Commission of Kentucky (or, if not so regulated, operating and having customers only outside of Kentucky), or an affiliate entirely owned by or under complete common ownership with an electric or combination electric and gas utility whose rates and service are regulated by the Public Service Commission of Kentucky. Any city of the home rule class or urban-county government may establish, erect, maintain, and operate plants, individually or jointly with any of these utilities or utility affiliate. In the case of any joint action, a city or urban-county government and utility or utility affiliate may provide by contract for their respective responsibilities, for operation and maintenance and for the allocation of expenses, revenues, and power. If in the accomplishment of this purpose a city or urban-county government at any time has capacity or energy surplus to the immediate needs of the city or urban-county government and its inhabitants, the surplus, if not disposed of for consumption outside this state, may be disposed of to an electric or combination electric and gas utility whose rates and service are regulated by the Public Service Commission of Kentucky, to an affiliate entirely owned by or under complete common ownership with such a utility, or to a city-owned or urban-county government-owned utility established pursuant to KRS Chapter 96.
- (2) The city or urban-county government shall proceed in the same manner and be governed by the same conditions as are set forth in KRS 96.360 to 96.510 for the acquisition and operation of a water system, with the following exceptions:
  - (a) A petition calling for an election on the proposition of purchasing an existing plant shall be signed by at least two hundred (200) qualified voters of the city or urban-county government, rather than by twenty-five percent (25%) of the qualified voters of the city or urban-county government who voted at the last preceding regular election.
  - (b) Notwithstanding any other laws, bonds may be issued bearing interest at a rate

or rates and may be sold on a basis to yield interest at a rate or rates as may be determined upon the sale of the bonds.

- (c) Bonds of an issue, or bonds of two (2) or more issues consolidated for the purposes of sale, which equal or exceed \$10,000,000 in the aggregate principal amount may be sold at public or private sale without compliance with KRS 424.360.
- (3) This section constitutes a method for the acquisition of an electric light, heat, and power plant by any city of the home rule class or urban-county government in addition or as an alternate to any other method authorized by statute, provided that the city or urban-county government was operating an electric plant on June 1, 1942, and has not elected to operate under KRS 96.550 to 96.900. No proceedings shall be required for the acquisition of any electric light, heat, or power plant or the issuance of bonds under this section except the proceedings required by KRS 96.360 to 96.510.

**Effective:** January 1, 2015

**History:** Amended 2014 Ky. Acts ch. 92, sec. 170, effective January 1, 2015. -- Amended 2002 Ky. Acts ch. 108, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 101, sec. 4, effective July 14, 2000; and ch. 486, sec. 2, effective July 15, 2000. -- Amended 1998 Ky. Acts ch. 229, sec. 2, effective July 15, 1998. -- Amended 1970 Ky. Acts ch. 36, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3480d-1 to 3480d-19.