

154 FERC ¶ 61,195
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

March 17, 2016

In Reply Refer To:
Kentucky Utilities Company
Docket No. ER12-1574-000

Troutman Sanders LLP
401 9th Street, NW, Suite 1000
Washington, DC 20004

Attention: Anne K. Dailey, Esq.
Attorney for Kentucky Utilities Company

Dear Ms. Dailey:

1. On December 21, 2015, Kentucky Utilities Company (Kentucky Utilities) and Benham Power Board f/k/a the Benham Electric System (Benham) submitted a status report informing the Commission that the Amended and Restated Contract for Electric Service between Kentucky Utilities and Benham (Contract) terminated on June 1, 2015, and all other obligations have been fulfilled pursuant to an uncontested settlement agreement (Settlement). Accordingly, we terminate this proceeding.
2. On April 19, 2012, Kentucky Utilities filed a notice of termination in this proceeding to terminate the Contract for wholesale requirements service with Benham. On June 13, 2012, Benham protested the notice of termination. On July 17, 2012, the Commission set this proceeding for settlement judge procedures.¹ On November 30, 2012, Kentucky Utilities submitted the Settlement providing, among other things, that the Contract will terminate on August 16, 2016 but could terminate earlier if Benham gives Kentucky Utilities 90 days' written notice. The Settlement also provides that Benham must submit semi-annual reports to the Commission on its efforts to find an alternative power supplier. On January 15, 2013, the Commission approved the Settlement.²

¹ *Kentucky Utils. Co.*, 140 FERC ¶ 61,039 (2012).

² *Kentucky Utils. Co.*, 142 FERC ¶ 61,029 (2013).

3. On February 27, 2015, Benham provided notice to Kentucky Utilities of early termination of the Contract on June 1, 2015. On March 17, 2015, Kentucky Utilities and Benham informed the Commission that Benham had made the necessary arrangements for a new power supplier and that the Contract would terminate as of June 1, 2015.
4. On December 21, 2015, Kentucky Utilities and Benham informed the Commission that the Contract terminated on June 1, 2015. They also noted that, although they have fulfilled the Settlement obligations, certain Contract obligations, including obligations related to refunds or charges for service provided before termination, will continue beyond June 1, 2015.
5. In light of the termination and the fact that Benham has found an alternative supplier, we find that Benham no longer needs to file semi-annual status reports with the Commission in this proceeding, and there is no longer any need to keep this proceeding open. Therefore, the proceeding is hereby terminated.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.