

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)	
)	
KENERGY CORP.)	Acct. No. 200132080016
)	File No. EB-00-IH-0384, GS
Licensee of Various Authorizations in Kentucky)	

MEMORANDUM OPINION AND ORDER

Adopted: January 26, 2001

Released: January 31, 2001

By the Chief, Enforcement Bureau:

1. By this *Memorandum Opinion and Order* we adopt the attached Consent Decree in which Kenergy Corp. (“Kenergy”) agrees to implement an internal compliance program and to make a voluntary contribution to the United States Treasury. We find, for the reasons discussed below, that the Consent Decree provides for a just and reasonable resolution of the Bureau’s investigation into Kenergy’s compliance with Section 310(d) of the Communications Act of 1934, as amended,¹ and conclude that adoption of the Consent Decree is in the public interest.

2. Kenergy is an electric distribution cooperative with headquarters in Henderson, Kentucky. It serves 50,000 customers in all or portions of 14 western Kentucky counties. Kenergy was established in July 1999 through the consolidation of Henderson Union Electric Cooperative Corp. and Green River Electric Corporation, both of which held licenses in the Private Operational-Fixed Microwave and Industrial/Business Services. The consolidation resulted in the substantial transfer of control of a total of 56 stations and, thus, required prior Commission consent, pursuant to Section 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(d). Kenergy, however, did not file applications for Commission consent to the assignment of licenses for these stations until November 2000. The applications have since been granted.

3. The Bureau has reached an agreement with Kenergy that will resolve this investigation. The terms and conditions of the agreement are contained in the attached executed Consent Decree. Among other things, the Consent Decree contemplates that Kenergy will implement a program to ensure its future compliance with the Act and the Commission’s rules and policies. In addition, the Consent Decree contemplates that Kenergy will make a voluntary contribution to the United States Treasury in the amount of \$7,500.²

¹ 47 U.S.C. § 310(d).

² Payment may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the Acct. No. referenced above.

4. We have reviewed the Consent Decree and evaluated the circumstances underlying the investigation. We believe that the public interest would be served by adopting the Consent Decree and terminating this investigatory proceeding.

5. ACCORDINGLY, IT IS ORDERED that, pursuant to delegated authority, the Consent Decree attached hereto IS ADOPTED.

6. IT IS FURTHER ORDERED, that the above-captioned investigatory proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau