



# MINUTES

## FPB Board Meeting

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5:00 PM - Tuesday, April 16, 2024 - Community Room

The Frankfort Plant Board met Tuesday, April 16, 2024 at 5:00 PM in the Community Room.

### ATTENDANCE:

John Cubine, Board Chair  
John Snyder, Board Vice Chair  
Stephen Mason, Board Secretary/Treasurer  
Kathryn Dutton-Mitchell, Board Member  
Jason Delambre, Board Member  
Gary Zheng, General Manager  
Harvey Couch, Marketing Video Content Coordinator  
Katrina Cummins, Finance Director  
David Denton, Chief Financial Officer  
Adam Hellard, Cable/Telecom Superintendent  
Scott Hudson, Electric Superintendent  
Cathy Lindsey, Communications & Marketing Director  
Kathy Poe, Executive Assistant to GM  
Hance Price, Assistant GM Administration/Staff Attorney  
Leigh Ann Phillips, Support Services Director  
Deron Rambo, Network Operations Center Director  
Travis McCullar, Director of Electric  
Nichell Brown, Human Resource Director  
Shane Holt, Asst. Cable/Telecom Superintendent  
Brian Bourne, Water Distribution Superintendent  
Brandon Powers, Water Treatment Plant Superintendent  
Sharmista Dutta, Director of Water  
Mike Harrod, Telecom Engineering Manager  
April Rhodes, Customer Service Supervisor  
Ryan Henry, IT Director  
Tyler Fitch, Safety Director  
Zachary Hubbard, Cable 10 Producer/Director

### 1 ACTION ITEM: APPROVAL OF MINUTES

- 1.1 Consider Approval of the Minutes for the March 19, 2024 Board Meeting.

*John Snyder moved to approve the Minutes for the March 19, 2024 Board Meeting. Jason Delambre seconded the motion. CARRIED. 5 to 0.*

## 2 CONDUCT PUBLIC HEARING

### 2.1 *Conduct Public Hearing regarding: (1) Increasing rate for Retrans Surcharge, (2) Increasing rate for Cable Network Pass-Through Fee, (3) Increasing rate for Bulk cable I and Bulk cable II, (4) Establishing Retention Tier lineup and Pass-Through Fee, (5) Updating Sections V, X, and XII of the Tariff.*

This Hearing will come to order. My name is John Snyder. I have been requested by the Board to conduct this Hearing. With me today are Board Members and Staff of the Frankfort Electric and Water Plant Board. We are here to receive comments regarding (1) Increasing rate for Retrans Surcharge, (2) Increasing rate for Cable Network Pass-Through Fee, (3) Increasing rate for Bulk cable I and Bulk cable II, (4) Establishing Retention Tier lineup and Pass-Through Fee, (5) Updating Sections V, X, and XII of the Tariff. This Public Hearing was advertised in accordance with the Regulations for Public Notification and appeared in the Weekend, April 6-7, 2024 edition of The State Journal newspaper.

To conduct this hearing in an organized fashion, we have asked that anyone wishing to comment register via email with Kathy Poe (kpoe@fewpb.com) or Cathy Lindsey (clindsey@fewpb.com).

This Hearing will be conducted informally and voluntarily by the Frankfort Electric & Water Plant Board in order to accept comments on the above item. Both oral and written comments will be accepted. Any and all persons present who wish to make a statement will be afforded an opportunity to do so. If you have a written statement to accompany your oral presentation, a copy of the written statement should be provided to the Board prior to your presentation. Oral presentations should be limited to no more than 3 minutes. If necessary, I will interrupt and request the presentation to be completed due to this time limit. I may ask questions of any person presenting oral comments where it is necessary to clarify the nature or substance of the comments.

The Board reserves the right to answer questions at a later date. It is the job of the Board to fairly consider various points of view and information. We want public input and involvement and I hope you do not find our standard procedures restrictive.

Additional oral comments and written comments will be accepted and considered if they are submitted no later than the end of normal business hours on Friday, April 26, 2024. To submit a comment, please contact FPB at 352-4372, or on our website [www.fpb.cc](http://www.fpb.cc).

**Before we open the floor for comments, Harvey Couch will provide a summary of the details.**

Harvey Couch gave a brief presentation.

Mr. Cubine read a written comment from Ms. Betty Weaver and noted that FPB staff had responded to her questions and comments.

Mr. Greg Riggs was present at the meeting. He asked questions regarding rate increases and proposed new Retention Tier. Staff and Board members answered his questions.

It was further noted that comments and questions would be accepted up to the end of business on Friday, April 26, 2024.

Mr. Snyder concluded the public hearing.

### 3 ACTION ITEM: ACCEPT FINANCIALS

- 3.1 Consider Accepting the Financial Statements for Month Ending March 31, 2024.

*Kathryn Dutton-Mitchell moved to accept the Financial Statements for Month Ending March 31, 2024. Jason Delambre seconded the motion. CARRIED. 5 to 0.*

- 3.2 Information Item: Discuss FPB Fiscal Year 2024-2025 Budget Preparation and Approval Timeline. (David Denton will discuss)

### 4 INFORMATIONAL ITEM: PUBLIC COMMENT

- 4.1 Relocation of Farmers' Market, Kentucky Agriculture Development Funds (KADF) grant application, potential partnership with FPB, and Matching Funds for Site Improvements. (Travis McCullar and Connie Lemley will discuss)

[FPB language-matching funds for KADF](#)

*Jason Delambre moved to direct staff to prepare a letter of support and prepare estimates for costs associated with various site improvements at the Farmers' Market new location. John Snyder seconded the motion. CARRIED. 5 to 0.*

### 5 INFORMATIONAL ITEM: DEPARTMENTAL REPORTS

- PUBLIC INFORMATION
- POTENTIAL OR AGREED UPON RELATED PARTY TRANSACTIONS  
None Reported.
- NETWORK OPERATIONS CENTER (NOC)
- CUSTOMER SERVICE

- TELECOMMUNICATIONS
- ELECTRIC DEPARTMENT
- SEPA
- KYMEA
- SAFETY
- WATER DISTRIBUTION
- WATER TREATMENT PLANT

6 ACTION ITEMS:

- 6.1 Consider Award of Bid # 1800 for the Water Treatment Plant Filter Isolation Valve Replacement Project to Herrick Company for \$2,447,000. (Brandon Powers will discuss).

The filter isolation valves at the water treatment plant are due for replacement. The project consists of replacing 49 valves and actuators.

On March 19, 2024, three bids were received:

1. Herrick Company, INC	\$2,447,000
2. MAC Construction	\$2,622,000
3. CJ Hughes Construction	\$3,217,499

Cost Summary:

Construction:	\$2,447,000
15% Contingency:	\$ 367,050
Engineering:	<u>\$ 263,620</u>
Total:	\$3,077,670

A total of \$3,077,670 will be budgeted over the remainder of FY 23-24 and in FY 24-25 for both construction and engineering.

Herrick Company has performed multiple jobs at the plant in the past. Therefore, based on past work experience, Staff recommends the Board award the work to Herrick Company.

A letter of recommendation from Kentucky Engineering Group and the bid tab are included in the board package.

***John Snyder moved to award Bid Invitation #1800 for the Water Treatment Plant Filter Isolation Valve Replacement Project to Herrick Company for \$2,447,000. Jason Delambre seconded the motion. CARRIED. 5 to 0.***

6.2 **Consider Acceptance of 1898&Co. Time of Use Rate Report and Discuss setting a Public Hearing for Electric Tariff Revisions. (Travis McCullar will discuss)**

At the October 2023 regular meeting, the Board discussed several 'Shall Consider' PURPA standards including new standards related to demand reduction and EV charging . The Board declined to adopt these voluntary standards but directed staff to further explore potential offerings to align with customer needs in these areas. Staff recommended at that time pursuing a voluntary Time of Use rate to address both standards.

Staff contacted 1898&Co., who recently completed a comprehensive cost of service study for FPB, for assistance with the new rate design. 1898&Co. will be on site to present the findings of this study and recommend a voluntary residential time of use rate with on and off-peak charges for summer and winter seasons. During the discussion, staff will also ask the Board to consider at the public hearing:

- Correcting a typographical error in the area lighting rates and clarifying the tariff language.
- Retiring the \$10 net metering application fee. The fee has been in the tariff since the adoption of net metering, but has lately become an unnecessary obstacle for both staff and customers.

Staff recommends acceptance of the 1898&Co. report and setting a public hearing to take input on the potential electric tariff revisions.

*John Snyder moved to prepare Tariff language and develop a pilot program (small group of 20 or so) for the 3-tier system and schedule a public hearing for the June meeting if ready. Jason Delambre seconded the motion. CARRIED. 5 to 0.*

6.3 **Consider Approving AXS TV and HDNet Movies Renewal. (Harvey Couch will discuss).**

Staff recommends approval of the AXS TV and HDNet Movies renewal. This National Cable Television Cooperative (NCTC) agreement has a term through March 31, 2027. The rates stay flat throughout the term and are all below budgeted projections. AXS TV is a Preferred Cable channel, which airs in HD only on channel 611 and is dedicated to providing the best in music programming and festivals, comedy performances, current events and mixed martial arts promotions. HDNet Movies is an HD Plus channel, on channel 777 and contains the best films from the classics of the 1950s-1970s, to favorite films from the 1980s and 1990s, to recently released theatrical films. No additional carriage requirements obligations are included in this agreement. The Assistant GM for Administration has reviewed the agreement and it meets with his approval.

*Jason Delambre moved to approve AXS Tv and HDNet Movies Renewal. Stephen Mason seconded the motion. CARRIED. 5 to 0.*

- 6.4 Consider Approving Video Transport Services Agreement with Highland Telephone Cooperative. (Harvey Couch will discuss)

Staff recommends approval of the Video Transport Services Agreement with Highland Telephone Cooperative. This agreement has a term through December 31, 2026. Highland, like FPB, uses ComNet to receive national feeds for their streaming video product.

FPB currently delivers our local broadcast channels and a handful of other channels to ComNet, who combines them with the national feeds and delivers them to our customers through the Nextband Stream application. Highland has the rights to carry WKYT, but is unable to receive the signal over the air, so they asked if they could use the feed that we are sending to ComNet. There will be no additional cost to FPB or any additional technical work as we are already sending the feed and ComNet will simply deliver a copy of it to Highland. WKYT approves of this arrangement and the Video Transport Services Agreement defines the arrangement between Highland and FPB and limits any liability for FPB. The Assistant GM for Administration has reviewed the agreement and it meets with his approval.

*Kathryn Dutton-Mitchell moved to approve Video Transport Services Agreement with Highland Telephone Cooperative. John Snyder seconded the motion. CARRIED. 5 to 0.*

7 INFORMATIONAL ITEM: GENERAL MANAGERS COMMENTS

- 7.1 NONE.

8 INFORMATIONAL ITEM: OLD & NEW BUSINESS

- 8.1 Update regarding EPA Rules. (Sharmista Dutta and Brandon Powers will discuss)
- 8.2 Travis McCullar discussed status and issues regarding Level 3 EV Charging Station.

9 REQUEST PERMISSION TO HAVE CHAIR CALL FOR A CLOSED SESSION

- 9.1 Request permission to call a Closed Session pursuant to KRS 61.810(1)(c) to discuss pending or proposed litigation regarding collection matter, advertising matter, breach of contract matter, employment matter, cost recovery matter, and a regulatory matter; pursuant to KRS 61.810(1)(g) to discuss a specific proposal that if openly discussed would jeopardize the siting, retention, expansion or upgrading of a business; and pursuant to KRS 61.810(1)(b) to deliberate on the future acquisition of real property since publicity would likely affect the value of a specific piece of property to be acquired for public use.

*John Snyder moved to call a closed session pursuant to KRS 61.810(1)(c) to discuss pending or proposed litigation regarding collection matter, advertising matter, breach of contract matter, employment matter, cost recovery matter, and a regulatory matter. Jason Delambre seconded the motion. CARRIED. 5 to 0.*

10 CLOSED DOOR SESSION

10.1 Come Out of Closed Session.

*John Snyder moved to come out of closed session. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 5 to 0.*

11 ACTION ITEM: POSSIBLE ACTION REGARDING CLOSED DOOR DISCUSSION

11.1 No action was taken in closed session.

12 ACTION ITEM: ADJOURNMENT

12.1 To Adjourn.

*John Snyder moved to Adjourn. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 5 to 0.*



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Board Chair



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Board Secretary/Treasurer