

Columbia Gas[®]
of Kentucky
A NiSource Company

P.O. Box 14241
2001 Mercer Road
Lexington, KY 40512-4241

Ms. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

RECEIVED

JAN 29 2007

PUBLIC SERVICE
COMMISSION

RE: Case No. 2007- 00047

Dear Ms. O'Donnell:

On January 23, 2007 the City of Winchester, Kentucky advertised for bids for a natural gas franchise. A copy of the advertisement is attached. Also attached are an original and ten copies of Columbia's application for a Certificate of Convenience and Necessity to bid on the subject franchise.

The City of Winchester has established February 6, 2007 as the deadline for bids. Columbia respectfully requests the Commission's prompt attention to the attached application so that Columbia may submit its bid.

Please contact Judy Cooper at (859) 288-0242 if you have any questions.

Sincerely,

Stephen B. Seiple (gmc)

Stephen B. Seiple
Lead Counsel

cc: Richard S. Taylor

20 Wall Street Winchester, Kentucky 40391

PO Box 4300, Winchester, KY 40392

FAX: 859-745-0638

E-mail: vjohnson@winchestersun.com or tpash@winchestersun.com

See
ad

Misc. Items

ie and White,
een size sleeper
a, great cond.,
25, 744-3128

rgo Trailer. 6x12
amp gate & side
ors. Exc. condition.
000. 745-4199

Like New
Nintendo DS Lite
w/game \$100
859-230-1067

New
subscriptions
for

The
Winchester
Sun

Delivered to
your home

6 days a
week for only

\$10.00
month.

LOCAL
SUBSCRIPTIONS
ONLY

744-3880

New Customers
Play with your
credit/debit card
day & receive 3
months for the
price of 2.
on-Fri 8am-8pm
All major credit/debit
cards accepted.

Warm Mornng
pane gas heater,
udes pipes \$200
< BTU 744-3680

Pets

uahua, 3 yrs old,
ered, good with
ren, housebro-
\$200, 749-5061

den Retriever 10
old male, AKC
\$200, 749-5061

NOTICES

Bulletin Board

Anyone with informa-
tion on the location of
Sterlin Stanfield,
please call 744-1124

Got Junk?

Rent a booth at the
Winchester
Flea Market
Call 749-7935

HOW TO REACH
US IF YOU MISS
YOUR

WINCHESTER
SUN

CALL
CIRCULATION
744-3880

Between
6pm-7pm
weekdays,
Saturday
Mornings
7:30am- 8am

CITY
SUBSCRIBERS

*We'll deliver
one to you.

COUNTY
SUBSCRIBERS

*We'll have your
carrier bring the
missed paper the
following
evening.

Found

CC High
Class Ring

Found Clark County
High School class
Ring dated 1982

Free

Free To Good
Home

1 playful pup and 2
loving cats. Please
call 859-333-0086

Very lovable gray &
white cat, about 1 yr.
Old. Litter trained, fe-
male. I love to have
conversations with my
senior citizen owner, I
make a great compan-
ion & friend for some-
one who might be
looking for a friend.
I am short-haired &
very playful. Please
help me find a loving
family.
737-5163

Lost

2 Male Dogs
1 Shihtzu, and 1
Fawn Pug, missing
around Thompson
Station Rd area, call
842-0012 or 619-
3000 or 842-3732



Any Former Sun
Subscriber
WE MISS YOU!!!!
Call 744-3880, and
ask for our 3
months for the price
of 2, Visa, Master
Card, Discover, &
American Express,
Call today lets get
reacquainted!!!!

Public Notice

LEGAL
PUBLIC
NOTICE

NOTICE OF SALE OF FRANCHISE

By virtue of an ordinance heretofore passed by the Commission of the City of Winchester, Kentucky, directing the advertisement for bids and selling of a franchise to use certain of the streets, alleys and public grounds of the city of Winchester, Kentucky, for the purpose of owning, operating, equipping and maintaining a system for the transmission and distribution of natural gas. The City Clerk of the said City, will on February 6, 2007 at or about 5:00 p.m., sell at public auction to the highest bidder at the City Hall of said City, a franchise for the purpose set out. Said franchise is more particularly described and fully defined in a proposed ordinance granting and creating the same and said proposed ordinance defines the terms and conditions upon which said sale shall be made, the full text of which is available for inspection in the office of the Winchester City Clerk, Winchester, Kentucky. The ordinance by title and summary is as follows:

ORDINANCE NO. 18-2006

AN ORDINANCE CREATING A GAS
DISTRIBUTION FRANCHISE, DEFINING
THE TERMS AND CONDITIONS THEREOF
AND PROVIDING FOR BID PROCEDURE

There is hereby crated a franchise to acquire, lay, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, avenues, roads, highways, sidewalks, bridges, public ways and other public places (as the same now exist or may hereafter be laid out) (hereinafter "streets") of the City of Winchester, Kentucky (hereinafter "City"), a system of mains, pipes and connections, with all the necessary or desirable appurtenances, for the purpose of transporting, distributing and vending natural and artificial gas to said City and the inhabitants there, and persons and corporations beyond the limits thereof, and any other purpose or purposes for which natural and artificial gas is now or may hereafter be used, and for the distribution of the same within, through or across said City.

Adopted, after second reading, at a meeting of the Winchester Board of Commissioners held on November 21, 2006.

Marilyn Rowe,
City Clerk
City of Winchester
January 23, 2007

7268

Public Notice

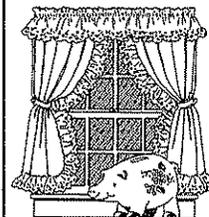
LEGAL
PUBLIC
NOTICE

The Winchester/Clark County Planning Commission will conduct public hearings on Tuesday, February 6, 2007 beginning at 7:00 p.m. in the Clark County Courthouse on: Verizon Wireless request for approval of a 235 ft. telecommunications tower and set-back variance at 8493 Wades Mill Rd.; Zoning Map Amendment, A-1 Agriculture to PD Planned Development and a residential use development plan for 13.78 acres at 1631 McClure Rd. (across from Hibiscus & Primrose).

Robert Blanton
744-7019
WCCPC

January 23, 2007

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A RAINY DAY



A part-time job is the perfect way to make a little extra cash! Check the classified employment section daily for the most current job listings. You'll find a new job in a snap—and have extra cash to save or spend!

CALL CLASSIFIED
744-7253 or 744-3198

THE
WINCHESTER SUN

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JAN 29 2007

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF THE APPLICATION)
OF COLUMBIA GAS OF KENTUCKY, INC.)
FOR ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY) Case No. 2007-
TO BID ON A GAS DISTRIBUTION)
FRANCHISE IN THE TERRITORIAL LIMITS)
OF THE CITY OF WINCHESTER,)
KENTUCKY)

APPLICATION OF COLUMBIA GAS OF KENTUCKY, INC.

The petition of Columbia Gas of Kentucky, Inc. ("Columbia") respectfully states:

(A) That applicant is engaged in the business of furnishing natural gas services to the public in certain counties in the Commonwealth of Kentucky, pursuant to authority granted by the Commission.

(B) That applicant's full name and post office address is:

Columbia Gas of Kentucky, Inc.
2001 Mercer Road
P.O. Box 14241
Lexington, KY 40512-4241

(C) That Columbia's Articles of Incorporation previously have been filed with the Commission in Case No. 2000-129 and are incorporated herein by reference.

(D) That no other person, partnership, firm or corporation is furnishing gas distribution service in the franchise area as of the date of the filing of this Application.

(E) Attached hereto is Ordinance No. 18-2006 adopted by the City of Winchester,

Kentucky on November 21, 2006. Said Ordinance reflects the decision of the City of Winchester, Kentucky to advertise for bids for a natural gas franchise. Said advertisement was published as a legal notice in *The Winchester Sun* on January 23, 2007.

(F) The need and demand for gas distribution service within the corporation limits of the City of Winchester is shown by the fact that Columbia serves approximately 5,670 customers in the city at the present time. There exists a public necessity for adequate service of natural gas to the citizens of Winchester, Kentucky.

(G) Columbia desires to acquire said franchise for gas distribution service in the City of Winchester, Kentucky and submit a bid pursuant to the city's published legal notice and its willingness to accept a bid out of time.

WHEREFORE, Columbia respectfully requests that the Public Service Commission make its order issuing a certificate of public convenience and necessity that authorizes Columbia to acquire the gas distribution franchise from the City of Winchester, Kentucky, for the reasons described herein.

Dated at Columbus, Ohio, this 26th day of January 2007.

Respectfully submitted,

COLUMBIA GAS OF KENTUCKY, INC.

By: Stephen B. Seiple (JMS)
Stephen B. Seiple
Lead Counsel

Stephen B. Seiple, Lead Counsel
200 Civic Center Drive
P.O. Box 117
Columbus, Ohio 43216-0117
Telephone: (614) 460-4648
Fax: (614) 460-6986
Email: sseiple@nisource.com

Richard S. Taylor
225 Capital Avenue
Frankfort, Kentucky 40602
Telephone: (502) 223-8967

Attorneys for
COLUMBIA GAS OF KENTUCKY, INC.

ATTACHMENT
ORDINANCE NO. 18-2006
November 21, 2006

CITY OF WINCHESTER, KENTUCKY

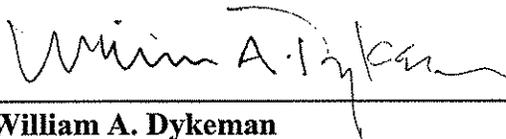
ORDINANCE NO. 18-2006

SUMMARY

**AN ORDINANCE CREATING A GAS
DISTRIBUTION FRANCHISE, DEFINING
THE TERMS AND CONDITIONS THEREOF
AND PROVIDING FOR BID PROCEDURE**

There is hereby created a franchise to acquire, lay, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, avenues, roads, highways, sidewalks, bridges, public ways and other public places (as the same now exist or may hereafter be laid out) (hereinafter "streets") of the City of Winchester, Kentucky (hereinafter "City"), a system of mains, pipes and connections, with all the necessary or desirable appurtenances, for the purpose of transporting, distributing and vending natural and artificial gas to said City and the inhabitants thereof, and persons and corporations beyond the limits thereof, and any other purpose or purposes for which natural and artificial gas is now or may hereafter be used, and for the distribution of the same within, through or across said City.

I hereby certify that the foregoing is an accurate summary of the contents of the above-entitled Ordinance.



William A. Dykeman
City Attorney

CITY OF WINCHESTER, KENTUCKY

ORDINANCE NO. 18-2001

**AN ORDINANCE CREATING A GAS
DISTRIBUTION FRANCHISE, DEFINING
THE TERMS AND CONDITIONS THEREOF
AND PROVIDING FOR BID PROCEDURE**

BE IT ORDAINED by the City of Winchester, Kentucky:

SECTION I. FRANCHISE CREATED. There is hereby created a franchise to acquire, lay, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, avenues, roads, highways, sidewalks, bridges, public ways and other public places (as the same now exist or may hereafter be laid out) (hereinafter "streets") of the City of Winchester, Kentucky (hereinafter "City"), a system of mains, pipes and connections, with all the necessary or desirable appurtenances, for the purpose of transporting, distributing and vending natural and artificial gas to said City and the inhabitants thereof, and persons and corporations beyond the limits thereof, and any other purpose or purposes for which natural and artificial gas is now or may hereafter be used, and for the distribution of the same within, through or across said City.

SECTION II. TERM OF FRANCHISE. The franchise herein created shall be for a term of ten (10) years.

SECTION III. FRANCHISEE. The person, firm or corporation which shall become the purchaser of said franchise, or any success or assignee of such person, shall for brevity hereinafter be referred to as the "franchisee".

SECTION IV. RIGHTS AND PRIVILEGES. The franchisee shall possess the franchise, privilege, right and authority to acquire, maintain, construct and operate in, above, under, across and along the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places (as the same now exist or may hereafter be laid out) of the City of Winchester, Kentucky, mains, pipes and connections, with all the necessary or desirable appurtenances, for the purpose of transporting, distributing and vending natural and artificial gas to said City and the inhabitants thereof, and persons and corporations beyond the limits thereof, and any other purpose or purposes for which natural and artificial gas is now or may hereafter be used, and for the distribution of the same within, through or across said City.

SECTION V. CONSTRUCTION AND MAINTENANCE OF PIPELINES OR OTHER INSTALLATIONS.

A. No pavement, sidewalks, curbs, gutters or other street installations shall be disturbed and no excavations in any of the said streets shall be made, except with the written permission of the City Manager or the Director of Public Works of the City, and such work shall be done under the supervision of the Director of Public Works; all pipelines, apparatus or appurtenances shall be located in such portion of said streets as may be designated by the Director of Public Works.

B. When an emergency arises which requires immediate repair, the franchisee may disturb or excavate a street without first obtaining written permission from the City Manager or the Director of Public Works, provided that the City Manager is notified in writing of said repair within five (5) days. The said notification shall include at least the time, date, location and extent of excavation or other work performed.

C. When the franchisee shall enter upon any street for the purpose of constructing, erecting, operating, maintaining or removing pipelines, apparatus, or appurtenances, it shall prosecute the work at its own cost or expense with due diligence and shall dig and close up all trenches and exposed places as rapidly as possible; it shall leave the streets in the same condition as when it entered for said purpose or purposes. All such repairs shall be maintained by the franchisee for one (1) year in as good condition as the remainder of said street; in the event the franchisee fails, refuses or neglects to comply with the above provisions, the City shall have the right, after notice in writing having first been given to the franchisee or any officer or agent representing it, to do said work or make said repairs, and the cost or expense thereof shall be paid by the franchisee to the City within thirty (30) days from the date on which an itemized bill is presented to the franchisee.

D. During the construction, reconstruction, maintenance or removal of any of said pipeline, apparatus, or appurtenances, the franchisee shall have due regard for the rights of the City and others, and shall not interfere with or in any way injure the property of the City or others under, on or above the ground. Said franchisee shall comply with all of the laws of the Commonwealth of Kentucky and ordinances of the City of Winchester as to placing lights, danger signals or warning signs, and shall be liable for any and all damage that may arise by reason of its failure or neglect to comply with such laws and ordinances. Work by the franchisee hereunder shall be done in a workmanlike manner so as not to interfere unnecessarily with the public use of any of said streets.

SECTION VI. DUTY OF FRANCHISEE TO RELOCATE PIPELINE, APPARATUS OR APPURTENANCES.

A. Whenever the City or any of its departments, agencies or agents, servants or employees shall grade, regrade, construct, reconstruct, widen or alter any street, or shall construct, reconstruct, repair, maintain or alter any other municipal public works

(including but not limited to storm sewers, sanitary sewers and water pipelines or fire hydrants) therein, it shall be the duty of the franchisee, if so ordered by the City, to change or relocate its pipelines, apparatus or appurtenances at its own expense so as to conform to the new or revised City construction and so as not to interfere with such municipal public works so constructed, reconstructed or altered.

B. The franchisee shall be given access to street plans and specification in the possession of the City.

SECTION VII. DUTY OF FRANCHISEE WITH RESPECT TO PLANNED CONSTRUCTION OR RECONSTRUCTION. If any street is about to be constructed, reconstructed, widened, altered, paved or repaved by the City, the franchisee shall on notice by the Director of Public Works make at its own expense any extensions or changes in pipelines, apparatus or appurtenances prior to paving; provided that, if the franchisee deems it unnecessary to make extensions or changes, it may refrain from doing so, but thereafter it shall be precluded for a period of one (1) year from disturbing such paving, except in an emergency. If the franchisee makes any extensions or changes in pipelines, apparatus or appurtenances, including connections to property lines, within such one year period, the same shall be made in the unpaved portion of the street and shall not disturb the pavement unless permission is granted by the Director of Public Works.

SECTION VIII. QUANTITY AND QUALITY OF GAS TO BE SUPPLIED; TESTING OF METERS. The quantity, quality and pressure of gas supplied, customer service standards, and the accuracy of meters shall at all times be in accordance with the standards, rules and regulations of the Public Service Commission of the Commonwealth of Kentucky, from time to time in effect. The City reserves the right to make such tests of gas meters, pressure, specific gravity and heat value of the gas furnished by the franchisee as it shall deem necessary and advisable.

SECTION IX. SAFETY STANDARDS TO BE MAINTAINED. The franchisee shall conform to all standards provided by law which relate to the safe operation of its equipment and apparatus.

SECTION X. LIABILITY OF FRANCHISEE. The franchisee shall indemnify and keep and save the City free and harmless from liability on account of injuries or damage to persons or property arising out of the construction, maintenance, or repair or operation of its gas system. In the event that suit shall be brought against the City, either independently or jointly with the franchisee, on account hereof, said franchisee, upon notice by the City, shall defend the City in any such suit at the cost of the franchisee, and in the event of final judgment being obtained against the City, either independently or jointly with the franchisee, the franchisee shall pay such judgment with all costs and hold the City harmless therefrom.

SECTION XI. ACCESS TO PROPERTY OF FRANCHISEE. The City, through such agents or employees as it may designate for the purposes set forth in this Section, shall at all reasonable times have access to all or any of the property owned or used in part or in whole by the franchisee in its operation and maintenance of the gas system under this franchise for the purpose of examining or inspecting said property and may inspect, examine or verify all or any of the accounts, books, records, contracts, documents or other papers of the franchisee reasonably necessary to the administration of the franchisee.

SECTION XII. NOTICE OF APPLICATION TO PUBLIC SERVICE COMMISSION. The franchisee shall furnish the City with personal notice or written notice of the filing of an application with the Kentucky Public Service Commission for an increase in general rates and charges, which notice shall be given concurrently with such filing. The City shall be given access, on request, to records related to such application.

SECTION XIII. ASSIGNMENT. Whenever in this franchise either the City of Winchester, Kentucky or Columbia Gas of Kentucky, Inc., is referred to, it shall be deemed to include the respective successors and assigns, of either, and all rights, privileges and obligations contained in this franchise shall be binding upon, and inure to the benefit of, the respective successors and assigns, of the City and franchisee, whether so expressed or not.

SECTION XIV. BID PROCEDURE.

A. It shall be the duty of the Mayor or his designated subordinate as soon as practicable after the passage of this ordinance to offer for sale at public auction said franchise and privilege. Said franchise and privilege shall be sold to the highest and best bidder at a time and place fixed by the Mayor after he has given due notice thereof by advertisement in at least one (1) issue of The Winchester Sun, a newspaper of general circulation published in Winchester, Kentucky. This advertisement shall appear not less than seven (7) days nor more than twenty-one (21) days before the date of bid opening.

B. Bid and proposals for the purchase and acquisition of the franchise and privileges hereby created shall be in writing and shall be delivered to the Mayor or his designated subordinate upon the date and at the time fixed by him in said advertisement for receiving same. Thereafter, the Mayor shall report and submit to the Board of Commissioners, at the time of its next regular meeting, said bids and proposals for its approval. The said Board of Commissioners reserves the right, for and in behalf of the City, to reject any and all bid for said franchise and privileges; and, in case the bids reported by the Mayor shall be rejected by the said Board of Commissioners, it may direct, by resolution or ordinance, said franchise and privilege to be again offered for sale, from time to time, until satisfactory bid therefore shall be received and approved. Each bid shall be accompanied by cash or a certified check drawn on a bank of the Commonwealth of Kentucky, or a national bank in an amount equal to five percent (5%) of the fair estimated cost of the plant required to render service, which check or cash shall be forfeited to the City in case the bid should be accepted and the bidder should fail,

within thirty (30) days after the confirmation of the sale, to pay the price and to give a good and sufficient bond in a sum equal to one-fourth of the fair estimated cost of the plant to be erected, conditioned that it shall be enforceable in case the purchaser should fail, within nine (9) months, to establish and begin rendering the service in the manner set forth in this ordinance; but such deposit need not be made by a corporation or person already owning within the corporate limits of the City a plant and equipment sufficient to render the service required by this ordinance.

SECTION XV. CONSIDERATION.

A. In consideration of the granting of this franchise to distribute gas within the City, the franchisee shall pay the City, subject to the terms of Section XV(B) and XV(C) herein, a sum equal to three percent (3%) of the gross annual revenues received by the franchisee from the sale of gas within the corporate limits of the City. The franchise shall be effective shall be effective fourteen (14) days from and after the execution of the franchise agreement between the City and the franchisee, and calculation of amounts payable shall commence with all bills tendered to customers by the franchisee in the first billing period following tariff approval by the Kentucky Public Service Commission.

C. The franchisee shall add to the customer's bill, as a separate item, an amount equal to the proportionate part of the franchise fee set forth in Section XV(A). Such amount shall be added exclusively to bills of customers receiving gas service within the corporate limits of the City. No later than ten (10) working days after final acceptance of its bid by the City, the franchisee shall file an application or tariff with the Public Service Commission to provide for prompt and satisfactory cost recovery of the amount payable under this Section. The franchisee shall provide the City with copies that it files with the Public Service Commission in order to satisfy the obligations created by this subsection. If the franchisee fails to file its application or tariff within the specified time period, the City may, at its option, terminate the Franchise Agreement upon thirty (30) days written notice to the franchisee. If, after a period of sixty (60) days from the filing of franchisee's application, the Public Service Commission shall have made no final determination concerning the prompt and satisfactory recovery of amounts payable under this Section herein by the franchisee, then the franchisee's obligation to pay the amount specified in this Section shall be suspended, provided the franchisee shall first give the City ten (10) days written notice of its intention to suspend payment pending the decision of said Commission. In the event of suspension of the franchisee's obligation as herein provided, the City shall have the option to terminate this franchise within thirty (30) days of receipt of said written notification from the franchisee.

D. If it is determined at any time by the Kentucky Public Service Commission (or its successor or court having jurisdiction) that all or any portion of the franchise fee set forth in Section XV(A), shall not be recoverable by the franchisee in the manner set forth in Section XV(B), the franchisee, at its election, shall thereafter be relieved of its obligation to pay such portion of the agreed franchise fee and in such case shall so notify the City in writing within five (5) working days of receipt by the franchisee of such order by the Kentucky Public Service Commission (or its success or a court having

jurisdiction). In such event, the City shall have the option to terminate its franchise agreement with the franchisee within ninety (90) days or receipt of said written notification from the franchisee.

If however, the Kentucky Public Service Commission (or its successor or court having jurisdiction) shall, subsequent to an order that all or any part of said franchise fee shall not be recoverable by the franchisee in the manner set forth in Section XV(B), make a final determination providing for recovery in the manner set forth in Section XV(B), and the City has not cancelled the franchise in the interim, then the franchisee's obligation to make payment of such amounts shall resume from and after the date of notification by the franchisee of such determination; provided, however, that any such notice shall be given in timely fashion.

SECTION XVI. PAYMENT. Payment of any amount due under this Ordinance shall be made monthly, within thirty (30) days of the end of the preceding calendar month. In the event of suspension of the franchisee's obligation pursuant to Section XV(C) herein, said suspension shall have no application to any amount due hereunder for the preceding calendar month, and the gross revenue received by the franchisee during any such suspension period shall be excluded from the franchisee's annual gross revenues for the purpose of calculating amounts due under Section XV(A) hereof. If any amount paid pursuant to the provisions of this ordinance is stated by the franchisee at the time of such payment to be based in whole or in part on revenues which are subject to refund by the franchisee, and if any of such revenues thereafter is required to be refunded by the franchisee, the franchisee shall credit same against the payment next coming due hereunder.

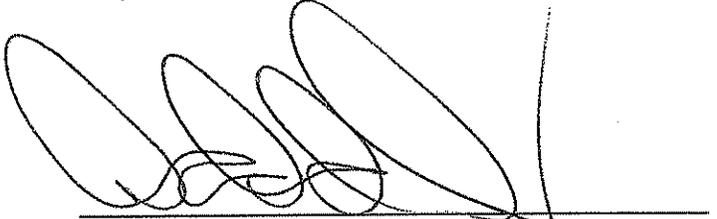
SECTION XVII. VIOLATION/FORFEITURE. Any violation by the franchisee, its vendee, lessee or successor, of the provisions of this ordinance, or the failure to perform promptly the provisions hereof, shall be cause for the forfeiture of this franchise and all rights hereunder a the option of the City; failure of the City to declare a forfeiture shall not constitute a waiver of the right so to do.

SECTION XVIII. REPEALER. Any ordinance or parts of ordinances in conflict herewith are, to the extent of such conflict, herewith repealed.

SECTION XIX. SEVERABILITY. If any portion of this ordinance shall be held to be invalid, the balance hereof shall remain in full force and effect; however, Section XV(B) and Section XV(C) are not severable under this section.

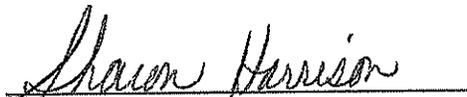
SECTION XX. EFFECTIVE DATE. This ordinance shall become effective upon publication as required by law.

Introduced at a meeting of the Board of Commissioners of the City of Winchester, Kentucky, held on the 9th day November of 2006, and finally adopted, after second reading, at a meeting of said Board held on the 21st day of November, 2006.



Dodd D. Dixon, Mayor

ATTEST:



Shaun Harrison
City Clerk Acting