

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	CASE NO.
AUTHORIZING THE APPLICANT TO APPLY FOR)	2023-00136
AND OBTAIN A FRANCHISE FROM THE CITY OF)	
MARTIN IN FLOYD COUNTY, KENTUCKY)	

ORDER

On August 18, 2023, Kentucky Power Company (Kentucky Power) filed a motion requesting to withdraw a franchise application filed on May 25, 2023. As a basis for the motion, Kentucky Power explained that, due to unforeseeable delays, the city of Martin, Kentucky, had not yet moved forward with publishing notice and receiving bids for an electric distribution service franchise. Kentucky Power further explained that Martin anticipates publishing and receiving bids for the franchise in September 2023, and that Kentucky Power would refile an application at that time.

KRS 278.020(5) states that no utility can apply for a franchise from any city or governmental agency until it has obtained from the Commission a certificate of convenience and necessity showing that there is a demand and need for the service sought to be rendered.

The Commission notes that, in the May 25, 2023 application, Kentucky Power stated that Martin would publish notice of the franchise in a newspaper of general circulation in Floyd County in mid-July 2023. The application included a copy of Ordinance No. 01-2023, enacted on May 23, 2023, which said that the franchise would

be offered for public sale on a date certain after Martin advertised the date, time, terms, conditions, and place of sale of the franchise, pursuant to law. Kentucky Power stated that it would file a copy of the notice to bid once the notice was published. The Commission further notes that, to date, notice has not been published and thus the franchise public sale was not held.

Based upon the motion and case record, the Commission finds that Kentucky Power established good cause to withdraw the application and thus the motion should be granted. This is because, for reasons not disclosed, there have been delays in publishing notice of the franchise sale, which must occur before a public sale of the franchise can be held. Because the notice publication date is uncertain, there is greater administrative efficiency to close this proceeding and for Kentucky Power to re-file its application once there is greater certainty that notice will be or has been published.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion to withdraw its application is granted with leave to re-file.
2. This case is closed and removed from the Commission's docket.

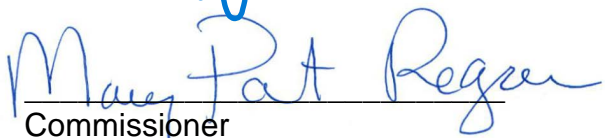
PUBLIC SERVICE COMMISSION



Chairman



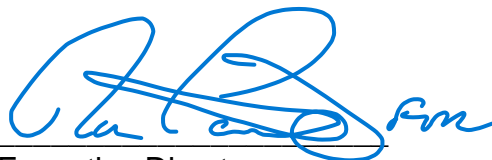
Vice Chairman



Commissioner

ENTERED
AUG 24 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

*Hector Garcia
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634