



Cinergy Corp.  
139 East Fourth Street  
Rm 25 AT II  
P.O. Box 960  
Cincinnati, OH 45201-0960  
tel 513.287.3601  
fax 513.287.3810  
jfinnigan@cinergy.com

RECEIVED

FEB 07 2005

PUBLIC SERVICE  
COMMISSION

**John J. Finnigan, Jr.**  
Senior Counsel

**VIA OVERNIGHT MAIL**

February 4, 2005

Ms. Elizabeth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40602-0615

Case 2005-00069

Re: The Application of The Union Light, Heat and Power Company for a Renewal of a Certificate of Public Convenience and Necessity to Apply for and Obtain a New Gas Franchise and a New Electric Franchise from the City of Fort Thomas, Kentucky.

Dear Ms. O'Donnell:

Enclosed for filing is an original and twelve copies of The Union Light, Heat and Power Company's Application in the above-referenced case.

Please date stamp the two extra copies and return them in the enclosed overnight envelope.

If you have any questions, please do not hesitate to contact me at (513) 287-3601.

Sincerely,

John J. Finnigan, Jr.  
Senior Counsel

JJF/sew  
Enclosures

COMMONWEALTH OF KENTUCKY

RECEIVED

BEFORE THE PUBLIC SERVICE COMMISSION

FEB 07 2005

PUBLIC SERVICE COMMISSION

In the Matter of the Application of The Union )  
Light, Heat and Power Company for a Renewal )  
of a Certificate of Public Convenience and )  
Necessity to Apply for and Obtain a New Gas )  
Franchise and a New Electric Franchise from )  
the City of Fort Thomas, Kentucky )

Case No. 2005- 00069

**APPLICATION**

The Union Light, Heat and Power Company (ULH&P) respectfully petitions the Kentucky Public Service Commission (Commission) for an Order pursuant to KRS 278.020(4), and 807 KAR 5:001 Sections 8 and 9, granting ULH&P a renewal of a Certificate of Public Convenience and Necessity (CPCN) to apply for and obtain a new franchise to provide gas service and a new franchise to provide electric service from the City of Fort Thomas, Kentucky. In support of this Application, ULH&P respectfully states:

1. **Utility Status:** ULH&P is a utility as defined in KRS 278.010(3)(a) and (b), engaged in providing retail gas and electric services to its customers in Northern Kentucky. ULH&P is thus subject to the jurisdiction of the Public Service Commission.

2. **Address:** Pursuant to 807 KAR 5:001 Section 8(1), ULH&P states that it is a Kentucky corporation with its principal office and principal place of business at 1697A Monmouth Street, Newport Shopping Center, Newport, Kentucky 41071.

3. **Articles of Incorporation:** Pursuant to 807 KAR 5:001, Section 8(3) and Section 9(1)(a), ULH&P states that a certified copy of its Articles of Incorporation, as amended, is on file with the Commission in Case No. 6566.

**4. Name of Governmental Agency Offering the Franchises:** Pursuant to 807 KAR 5:001, Section 9(1)(b), ULH&P states that the name of the governmental agency offering the franchises is the City of Fort Thomas, Kentucky, a municipal corporation located in Campbell County, Kentucky.

**5. Type of Franchises Offered:** Pursuant to 807 KAR 5:001, Section 9(1)(c), ULH&P states that the City of Fort Thomas will offer a franchise for gas service and a franchise for electric service.

**6. Statement of Need:** Pursuant to 807 KAR 5:001, Section 9(1)(d), ULH&P states that it has provided gas service within the City of Fort Thomas for many years. ULH&P previously received a CPCN from the Commission to apply for and obtain these franchises in 1994.<sup>1</sup> ULH&P was most recently awarded a franchise from the City of Fort Thomas in 1994. These franchise agreements provided for an initial term of five years, with five one-year renewal terms. These franchise agreements are now expired. The City of Fort Thomas is beginning its process to re-bid the franchise agreements. ULH&P desires to bid on the new franchise agreements, and therefore requests a renewal of its CPCN to allow it to apply for and obtain these franchise agreements.

The franchise agreements would allow ULH&P to continue providing gas and electric service to Fort Thomas customers. If ULH&P were unable to obtain a franchise agreement and had to abandon its facilities, its customers would experience hardship in that Fort Thomas residents would no longer be able to receive gas or electric service, and ULH&P would experience a hardship because its facilities located in Fort Thomas would no longer be used and useful in providing utility service.

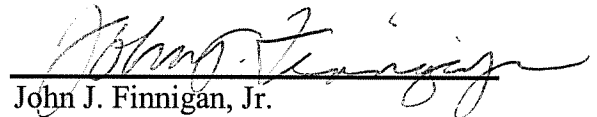
---

<sup>1</sup> *In the Matter of Application of The Union Light, Heat and Power Company for a Certificate of Public Convenience and Necessity to Bid on Gas and Electric Franchises in the City of Fort Thomas, Commonwealth of Kentucky, Case No. 94-076 (Order) (March 9, 1994).*

6. **New Construction or Extension:** Pursuant to 807 KAR 5:001, Section 9(2), ULH&P states that it already owns existing facilities within the City of Fort Thomas for providing gas and electric service, such that no new construction nor extension of facilities will be required if it obtains a renewal of itsCPCN.

WHEREFORE, ULH&P respectfully requests that the Commission issue an order renewing the CPCN as requested herein.

THE UNION LIGHT, HEAT AND  
POWER COMPANY



John J. Finnigan, Jr.  
Senior Counsel  
The Union Light, Heat and Power  
Company  
139 East Fourth Street  
Cincinnati, OH 45201  
(513) 287-3601  
Fax: (513) 287-3810  
e-mail: [jfinnigan@cinergy.com](mailto:jfinnigan@cinergy.com)