



139 East Fourth Street, R. 25 At II
P O Box 960
Cincinnati, Ohio 45201-0960
Tel 513-287-3601
Fax 513-287-3810
John.FinniganJr@duke-energy.com

John J. Finnigan, Jr.
Senior Counsel

VIA FAX AND OVERNIGHT DELIVERY

June 5, 2006

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

RECEIVED

JUN 06 2006

PUBLIC SERVICE
COMMISSION

Re: Application of The Union Light, Hat and Power Company d/b/a Duke Energy Kentucky, Inc. for a Certificate of Convenience and Necessity to Apply for and Obtain a Franchise to Provide Natural Gas Service in the City of Owenton, Kentucky
Case No. 2006-00246

Dear Ms. O'Donnell:

I have enclosed an original and twelve copies of The Union Light, Heat and Power Company d/b/a Duke Energy Kentucky Inc.'s Application in the above-referenced case.

Please date stamp the two extra copies of the Application and return in the enclosed, self-addressed 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

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the Matter of:

JUN 06 2006

Application of The Union Light, Heat and)
Power Company d/b/a Duke Energy)
Kentucky, Inc. for a Certificate of Convenience)
and Necessity to Apply for and Obtain a)
Franchise to Provide Natural Gas Service)
in the City of Owenton, Kentucky)

PUBLIC SERVICE
COMMISSION

Case No. 2006-00746

APPLICATION

Pursuant to KRS 278.040(4) and 807 KAR 5:001 Section 9, The Union Light, Heat and Power Company d/b/a Duke Energy Kentucky, Inc. ("Duke Energy Kentucky") applies for a certificate of convenience and necessity authorizing it to apply for and obtain a franchise to provide natural gas service for the City of Owenton, Kentucky. In support of this application, Duke Energy Kentucky states as follows:

1. Duke Energy Kentucky is a corporation organized and existing under the laws of the Commonwealth of Kentucky. Duke Energy Kentucky's principal office and principal place of business is 1697 A Monmouth Street, Newport Shopping Center, Newport, Kentucky 41071, and its mailing address is P.O. Box 960, Cincinnati, Ohio 45201. Pursuant to 807 KAR 5:001 Section 8(3), a certified copy of Duke Energy Kentucky's articles of incorporation is on file with the Commission in Case No. 2005-00042 and is incorporated by reference.

2. Duke Energy Kentucky purchases, sells, stores and transports natural gas in Boone, Campbell, Gallatin, Grant, Kenton and Pendleton Counties, Kentucky. Duke Energy Kentucky also generates electricity, which it distributes and sells in Boone, Campbell, Grant, Kenton and Pendleton Counties, Kentucky. Duke Energy Kentucky is a “utility” as defined in KRS 278.010(3) and is subject to the Commission’s jurisdiction pursuant to KRS 278.040.

3. The City of Owenton is located in Owen County, Kentucky. The City passed a motion on or about May 2, 2006 authorizing the City to solicit bids for a franchise to provide natural gas service in the City. A copy of the motion is at Attachment A.

4. On or about May 17, 2006, the City caused to be published in *The News Herald*, a local newspaper, a legal notice that the City was soliciting bids for the franchise and that the deadline for submitting bids was June 16, 2006. A copy of the legal notice is at Attachment B.

5. KRS 278.020(4) provides:

278.020 Certificate of convenience and necessity required for construction of utility service or of utility -- Exceptions -- Approval required for acquisition or transfer ownership - - Public hearing on proposed transmission line - - Severability of provisions.

* * *

(4) No utility shall apply for or obtain any franchise, license, or permit from any city or other governmental agency until it has obtained from the commission, in the manner prescribed in subsection (1) of this section, a certificate of convenience and necessity showing that there is a demand and need for the service sought to be rendered.

* * *

When a utility seeks a certificate of convenience and necessity to apply for and bid on a franchise to provide utility service, the statute provides that relevant inquiry is whether a demand and need for the service exists.

6. The City of Owenton does not have access to natural gas service. The demand and need for natural gas service is established by: (1) the City's lack of access to natural gas service; (2) the City's ordinance soliciting bids for a franchise to provide such service; and (3) the legal notice soliciting bids for the franchise.

7. Duke Energy Kentucky does not request any finding regarding: (1) its qualifications as a bidder; (2) the validity of any of the provisions of the franchise offered by the City; (3) the manner in which any franchise fee is to be treated for rate purposes; or (4) any authorization to construct utility facilities in the City. Duke Energy Kentucky states that, if it wins the franchise, it will file a separate application seeking a certificate of convenience and necessity authorizing it to construct utility facilities in the City or, in the alternative, requesting a finding that no such certificate is required.

8. If Duke Energy Kentucky is successful in acquiring the franchise, it will file one copy with the Commission, as required by 807 KAR 5:001 Section 9(d).

WHEREFORE, Duke Energy Kentucky respectfully requests that the Commission grant it a certificate of convenience and necessity authorizing it to apply for and obtain a franchise to provide natural gas service in the City of Owenton, Kentucky.

Respectfully submitted,

DUKE ENERGY KENTUCKY



John J. Finnigan, Jr. (866578)
Senior Counsel
P. O. Box 960
Room 2500, Atrium II
139 East Fourth Street
Cincinnati, Ohio 45201-0960
Phone: (513) 287-3601
Fax: (513)287-3810
e-mail: John.FinniganJr@duke-energy.com

CITY OF OWENTON

*220 South Main Street
Owenton, Kentucky 40359-1431
Phone (502) 484-2322
Fax (502) 484-5156*

.....

***EXCERPT OF MINUTES OF A REGULAR MEETING OF
THE OWENTON CITY COUNCIL ON TUESDAY, MAY 2,
2006***

*“Motion by Marc Duvall, second by Larry Perry, authorizing the
placement of an advertisement for a franchise for natural gas for
the City of Owenton. was unanimously approved.”*


Freda C. Prather
Freda C. Prather
City Clerk-Treasurer

house door in Owenton, Owen for sale to the highest and best for the tax year 2005, by the ng cost not included in amount

Commissioner of the Owen Circuit Court or the plaintiff herein. Failure of the purchaser to effect such insurance shall not affect the validity of the sale or the purchaser's liability thereunder, but shall entitle

Said real estate is situated in Owen County, Kentucky, and bounded as follows: Lying and being in Owen County, Kentucky, and lying on the South side of Old Scott's Mill

shall remain and be a lien on the property until paid. The purchaser shall have the privilege of paying all or part of the balance of the purchase price prior to the 30 day period. It is further provided that the old contains improvements successful bid sale shall, at expense, pro- y of fire and insurance cov- aid improve- amount of ad value, or balance of ase price, less, as a with a loss use to the er of the it Court of iff herein.

Public Notice An ordinance amending the Owen County budget for fiscal year 05-06, to include unanticipated receipts from various sources in the amount of \$95,385.00 and increasing expenditures in the area of various sources was adopted by the Owen County Fiscal Court on 5-9-06. A copy of the adopted ordinance with full text is available for public inspection at the office of County Judge-Executive during normal business hours.

- Amount \$30 \$12 \$11 \$1.3 \$36 \$68 \$6.5 \$26 \$10 \$1.6 \$2.4 \$45

Printed in The News-Herald

May 17, 2006

Received 5/19/2006

GAS COMMERCIAL OPERATIONS

feet, adjuc 2 36 on ite e = prop iron intere

Lake rate of 8% per annum, V 81 from December 21, o an 2004 until paid, plus 57 E court costs and attor- iron neys fees.

The real estate shall be of sold on the terms of the 10% cash at the time of re S the

sale, with the balance ning, payable within 30 days, res, except that the deposit ct to shall be waived if plain- j the tiff is the successful bid- con-

Any purchaser, other Olds hus- than plaintiff shall be deed required to execute a and bond, with surety there- and on acceptable to the ated Master Commissioner, and to secure the unpaid bal- 300k ance of the purchase

price, and said bond prop- shall bear interest at the ackie rate of 12% per annum n, by from the date of the sale R. until paid, and shall have

son, the same force and 992, effect as a judgment and deed shall remain and be a 3). All lien on the property until rein paid. The purchaser is shall have the privilege

of paying all or part of unt of the balance of the pur- 30 be chase price prior to the 30 this day period. It is fur- 8.73 ther provided that the

property sold contains 2006 plaintiff insurable improvements and the successful bid- 2006 der at said sale shall, at the

bidder's expense, pro- 2006 cure a policy of fire and until extended insurance cov- 2006 erage on said improve- 2006 ments in the amount of 2006 the appraised value, or with the unpaid balance of the

purchase price, the

any and all liens and claims except the follow- ing: a. All State and County real estate taxes payable on the property for 2006 and thereafter; b. Easements, restric- tions and stipulations of record;

c. Assessments for pub- lic improvements levied against the property; d. Any facts which an inspection and accurate survey of the property may disclose.

For further information, see the Judgment, Order and pleadings on record in the Office of the Circuit Clerk of Owen County.

MARK R. COBB MASTER COMMISSIONER OWEN CIRCUIT COURT 5-24

OWEN CIRCUIT COURT CIVIL ACTION # 06-CI-00028 NOTICE OF SALE PLAINTIFF COUNTRYWIDE HOME LOANS, INC. VS JAMES E. WILLIAMS, ETAL. DEFENDANTS

By virtue of a Judgment and Order of Sale rendered in the Owen Circuit Court on the 18th day of April, 2006 I will sell at public auction to the highest and best bidder on the front steps of the Owen County Courthouse, at the hour of 10:00 a.m., on

inch Oak at a distance of 270.41 feet; thence with the center of said turn- pike S 24 15 W 115.50 feet, S 46 33 W 77.52 feet to the place of beginning, containing 1.03 acres, more or less. Being the same property conveyed to James E. Williams and Kimberly Lynn Williams, husband and wife from Viola M. Williams, a single person, by deed dated April 26, 1997 and recorded on April 28, 1997 in Deed Book 183, page 719 in the Owen County Clerk's Office. The amount of money to be raised and for which this sale is being made is the sum of \$85,395.22 adjudged due to plaintiff on its first lien on the property, together with interest thereon at the rate of \$11.89 per day, from March 9, 2006 until paid. The real estate shall be sold on the terms of 10% cash at the time of the sale, with the balance payable within 30 days, except that the deposit shall be waived if plaintiff is the successful bidder. Any purchaser, other than plaintiff shall be required to execute a bond, with surety thereon acceptable to the Master Commissioner, to secure the unpaid balance of the purchase price, and said bond shall bear interest at the rate of 12% per annum from the date of the sale

Failure of the purchaser to effect such insurance shall not affect the validity of the sale or the purchaser's liability thereunder, but shall entitle, but not require the plaintiff to effect said insurance and furnish the policy, or evidence thereof to the Commissioner if it so desires, and the premium thereon or a proper portion thereof shall be charged to the purchaser as purchaser's costs. When the purchase price is paid in full, title will be conveyed to the purchaser by commissioner's deed. The afore- said real property shall be sold free and clear of any and all liens and claims except the following:

a. All State and County real estate taxes payable on the property for 2006 and thereafter; b. Easements, restrictions and stipulations of record; c. Assessments for public improvements levied against the property; d. Any facts which an inspection and accurate survey of the property may disclose. For further information, see the Judgment, Order and pleadings on record in the Office of the Circuit Clerk of Owen County. MARK R. COBB MASTER COMMISSIONER OWEN CIRCUIT

5-17

NOTICE

The City of Owenton is soliciting bids for the franchise to provide natural gas service to primarily local industry in Owenton. A gas transmission line will be constructed by the City as Phase I. This line will be approximately 20 miles in length, built to 500 lbs. p.s.i. pressure and operated at 150 lbs. p.s.i. This will be a welded 6 inch steel pipe. Phase II will include natural gas service to the City of Owenton, which currently does not have natural gas available. The transmission line will initially be owned by the City of Owenton but may be transferred to the provider at a later date.

The successful bidder will provide-all service to the transmission line, including, but not limited to connections along the route as well as maintenance, billing, collecting and any service required. The contract with the successful bidder shall also include a 3% franchise fee to the City of Owenton based on the total revenue received from the utilization of the transmission line as well as any other connections from this line. Bids will be opened at 10:00 a.m. E.D.T. at the Owenton City Hall on June 16, 2006. For any additional information contact Mayor David Wotier, City of Owenton.

5-17

FAX



DATE: June 5, 2006

TO: Kentucky Public Service Commission
Docketing - Charla

COMPANY: Duke Energy

Case No. 2006-00246

FAX: 502-564-3460

RECEIVED

PHONE: 502-564-3940

JUN 05 2006

FROM: John J. Finnigan

**PUBLIC SERVICE
COMMISSION**

FAX: 513-287-3810

PHONE: 513-287-3601

NO. OF PAGES: 8

COMMENTS:

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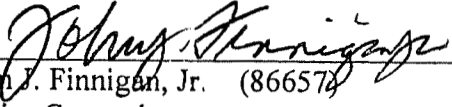
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Respectfully submitted,

DUKE ENERGY KENTUCKY



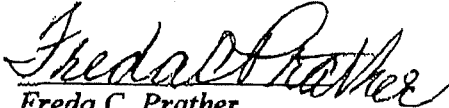
John J. Finnigan, Jr. (866578)
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CITY OF OWENTON

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Phone (502) 484-2322
Fax (502) 484-5156

***EXCERPT OF MINUTES OF A REGULAR MEETING OF
THE OWENTON CITY COUNCIL ON TUESDAY, MAY 2,
2006***

*"Motion by Marc Duvall, second by Larry Perry, authorizing the
placement of an advertisement for a franchise for natural gas for
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Freda C. Prather
City Clerk-Treasurer

house door in Owenton, Owen for sale to the highest and best ty for the tax year 2005, by the ng cost not included in amount

Commissioner of the Owen Circuit Court or the plaintiff herein. Failure of the purchaser to effect such insurance shall not affect the validity of the sale or the purchaser's liability thereunder, but shall entitle

Said real estate is situated in Owen County, Kentucky, and bounded as follows: Lying and being in Owen County, Kentucky, and lying on the South side of Old Scott's Mill

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Printed in The News-Herald

May 17, 2006

Received 5/19/2006

GAS COMMERCIAL OPERATIONS

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Olds Any purchaser, other hus- than plaintiff shall be feed required to execute a and bond, with surety there- on acceptable to the ated Master Commissioner, and to secure the unpaid bal- 300k price, and said bond also shall bear interest at the prop- rate of 12% per annum r-okie from the date of the sale n, by until paid, and shall have R. the same force and son, effect as a judgment and 992, shall remain and be a deed lien on the property until). All paid. The purchaser herein shall have the privilege of paying all or part of the balance of the purchase price prior to the 30 day period. It is fur-

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any and all liens and claims except the follow- ing: a. All State and County real estate taxes payable on the property for 2006 and thereafter; b. Easements, restric- tions and stipulations of record;

c. Assessments for pub- lic improvements levied against the property; d. Any facts which an inspection and accurate survey of the property may disclose.

For further information, see the Judgment, Order and pleadings on record in the Office of the Circuit Clerk of Owen County.

MARK R. COBB
MASTER COMMISS-
SIONER
OWEN
CIRCUIT
COURT
5-24

OWEN
CIRCUIT
COURT CIVIL ACTION
06-CI-00028
NOTICE OF SALE
PLAINTIFF

COUNTRYWIDE HOME
LOANS, INC.
VS.

JAMES E. WILLIAMS,
ETAL.

DEFENDANTS

By virtue of a Judgment and Order of Sale rendered in the Owen Circuit Court on the 18th day of April, 2006 I will sell at public auction to the highest and best bidder on the front steps of the Owen County Courthouse, at the hour of 10:00 a.m., on

inch Oak at a distance of 270.41 feet; thence with the center of said turn- pike S 24 15 W 115.50 feet, S 46 33 W 77.52 feet to the place of beginning, containing 1.03 acres, more or less. Being the same property conveyed to James E. Williams and Kimberly Lynn Williams, husband and wife from Viola M. Williams, a single person, by deed dated April 26, 1997 and recorded on April 28, 1997 in Deed Book 183, page 719 in the Owen County Clerk's Office. The amount of money to be raised and for which this sale is being made is the sum of \$85,395.22 adjudged due to plaintiff on its first lien on the property, together with interest thereon at the rate of \$11.89 per day, from March 9, 2006 until paid. The real estate shall be sold on the terms of 10% cash at the time of the sale, with the balance payable within 30 days, except that the deposit shall be waived if plaintiff is the successful bidder. Any purchaser, other than plaintiff shall be required to execute a bond, with surety thereon accept- able to the Master Commissioner, to secure the unpaid bal- ance of the purchase price, and said bond shall bear interest at the rate of 12% per annum from the date of the sale

Failure of the purchaser shall not affect the valid- ity of the sale or the pur- chaser's liability there- under, but shall entitle, but not require the plain- tiff to effect said insur- ance and furnish the policy, or evidence thereof to the Commissioner if it so desires, and the premi- um thereon or a proper portion thereof shall be charged to the purchas- er as purchaser's costs. When the purchase price is paid in full, title will be conveyed to the purchaser by commis- sioner's deed. The afore- said real property shall be sold free and clear of any and all liens and claims except the follow- ing:

a. All State and County real estate taxes payable on the property for 2006 and thereafter; b. Easements, restric- tions and stipulations of record; c. Assessments for pub- lic improvements levied against the property; d. Any facts which an inspection and accurate survey of the property may disclose.

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MARK R. COBB
MASTER
COMMISSIONER
OWEN CIRCUIT

5-17
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5-17