



PPL companies

Mr. Jeff Derouen  
Executive Director  
Public Service Commission of Kentucky  
211 Sower Boulevard  
Frankfort, Kentucky 40602

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PUBLIC SERVICE  
COMMISSION

LG&E and KU Energy LLC  
Legal Department  
220 West Main Street  
Louisville, Kentucky 40202  
[www.lge-ku.com](http://www.lge-ku.com)

Allyson K. Sturgeon  
Senior Corporate Attorney  
T 502-627-2088  
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[allyson.sturgeon@lge-ku.com](mailto:allyson.sturgeon@lge-ku.com)

January 21, 2011

**RE: Application of Kentucky Utilities Company for a Certificate of Public Convenience and Necessity Authorizing KU to Bid on a Franchise Established by the City of Marion**

Dear Mr. Derouen:

Enclosed please find an original and 10 copies of an Application for a Certificate of Public Convenience and Necessity ("CCN"), to enable Kentucky Utilities Company (the "Company") to apply for an electric franchise with the City of Marion (the "City") pursuant to KRS 278.020(4). In a public meeting held on January 20, 2011, the City Council of Marion, Kentucky passed Ordinance No. 10-09, which directed the advertising for bids and selling of an electric franchise in the City.

For many years, the Company has been the owner of a franchise granted by the City to erect facilities for providing electric service to the City and the inhabitants thereof. The franchise to be obtained will replace the previous franchise.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Allyson K. Sturgeon

Enclosures

**BEFORE THE  
KENTUCKY PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**APPLICATION OF KENTUCKY UTILITIES COMPANY )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY AUTHORIZING KU TO BID ON A ) CASE NO. 2010-\_\_\_\_\_  
FRANCHISE ESTABLISHED BY THE CITY OF )  
MARION, KENTUCKY )**

**APPLICATION**

The Applicant, Kentucky Utilities Company (“KU”), respectfully states as follows:

1. The Post Office address of the principal office of Applicant is 220 West Main Street, Louisville, Kentucky 40202. KU is a Kentucky corporation authorized to do business in the Commonwealth of Kentucky.

2. KU is a utility engaged in the business of supplying electric service in and to various cities and the inhabitants thereof within the Commonwealth of Kentucky, and has conducted such business for a number of years. The instant filing is made in accordance with Section 278.020(4) of the Kentucky Revised Statutes.

3. Receipt of the requested certificate will allow KU to pursue its bid on a new franchise for which the City of Marion, Kentucky (the “City”) has solicited bids pursuant to resolution or ordinance and advertisement, a copy of which is attached hereto as Exhibit A.

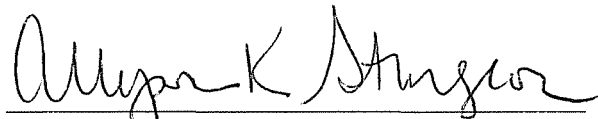
4. A certified copy of KU’s Articles of Incorporation is already on file with the Commission in Case No. 2010-00204 and is incorporated herein by reference pursuant to 807 KAR 5:001, Section 8(3).

5. There is and will continue to be a demand and need for electric service in the areas of the City subject to the franchise, and KU desires to obtain a franchise in accordance with the bidding protocol established by the City.

6. Should KU be successful in acquiring said franchise, it will file copies thereof with the Commission.

WHEREFORE, Kentucky Utilities Company asks that the Commission enter an Order granting to KU a Certificate of Public Convenience and Necessity to bid for and acquire a franchise from the City.

Dated at Louisville, Kentucky, this 21<sup>st</sup> day of January, 2011.



Allyson K. Sturgeon  
Senior Corporate Counsel  
Kentucky Utilities Company  
220 West Main Street  
Louisville, Kentucky 40202  
(502) 627-2088

**Exhibit A**

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**NOTICE OF SALE OF FRANCHISE**


By virtue of a resolution heretofore passed by the Council of the City of Marion, Kentucky, directing the advertisement for bids and selling of a franchise to use certain streets, alleys, and public grounds of the city of Marion, Kentucky for the purpose of owning, operating, equipping and maintaining a system for the transmission and distribution of electric energy. The City Clerk of Marion will on February 21, 2011, at or about 6:00 p.m., sell at public auction to the highest bidder at the City Hall of Marion 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 Marion City Clerk, 217 South Main, Marion, Kentucky. The ordinance by title and summary is as follows: **ORDINANCE # 10-9 AN ORDINANCE ESTABLISHING A FRANCHISE AGREEMENT RELATED TO THE TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND THE PROVISION OF RETAIL ELECTRIC SERVICE IN AREAS HERETOFORE SERVED BY KENTUCKY UTILITIES COMPANY, Pam Enoch, City Clerk. Published January 20, 2011**

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1-20 11

**ORDINANCE NO. 10-09**

**AN ORDINANCE TO THE CITY OF MARION CREATING A FRANCHISE FOR THE ERECTION, LAYING, AND MAINTENANCE OF ELECTRIC FACILITIES, AND APPURTENANT FACILITIES AND EQUIPMENT IN, ALONG, AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS, AND OTHER PUBLIC PLACES IN THE CITY OF MARION, KENTUCKY: FOR FURNISHING AND SELLING ELECTRICITY BY MEANS OF SAID FACILITIES; AND PROVIDING FOR THE SALE OF SAID FRANCHISE.**

**WHEREAS**, the City of MARION ("City") wishes to ensure that electric service continues to be furnished to its citizens in a reliable and efficient manner;

**WHEREAS**, the City is aware that the provision of such service requires the continued use of public streets, ways, alleys and other public places;

**WHEREAS**, the franchise granted to and acquired by Kentucky Utilities on January 21, 1991 under which that utility provided such service, has expired by its terms;

**WHEREAS**, the City wishes to provide for the sale of a new franchise for the benefit of its citizens, giving effect to Section 96.010 of the Kentucky Revised Statutes;

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**Section 1.** An exclusive franchise ("Franchise") to use the City's public rights-of-way, as described in the Franchise Agreement attached to this Ordinance, is hereby created.

**Section 2.** The Franchise created by this Ordinance shall be bid in accordance with the applicable requirements of the Constitution of the Commonwealth of Kentucky and Chapter 424 of the Kentucky Revised Statutes, as well as any applicable City ordinances.

**Section 3.** The Franchise created by this Ordinance shall be awarded to the highest and best bidder as shall be determined by the City in its sole discretion. In awarding the Franchise, the City shall consider the technical, managerial, and financial qualifications of the bidder to perform its obligations under the Franchise.

**Section 4.** The winning bidder and the City shall negotiate, execute and be bound by a Franchise Agreement with terms identical to, or substantially identical to, the Franchise

Agreement referenced in Section 1 above and attached hereto, such Agreement to contain terms "that are fair and reasonable to the City, to the purchaser of the Franchise and to the patrons of the utility" (KRS Section 96.010). Such Franchise Agreement shall take effect no earlier than 90 days after its execution, to allow the City and the winner bidder to develop appropriate procedures for identifying and reviewing the electric-consuming entities within the City's corporate limits.

**Section 5.** All ordinances or parts of ordinances that conflict with the provisions of this Ordinance are hereby repealed.

**Section 6.** Should any section, clause, line, paragraph, or part of this Ordinance or the attached Agreement be held unconstitutional or invalid for any reason, the same not affect the remainder of this Ordinance or the attached Agreement, as applicable.

**Section 7.** Time is of the essence in carrying out the terms and the provisions of this Ordinance and the Franchise created herein.

**Section 8.** This Ordinance shall become effective from and after its passage and publication.

The franchise ordinance with Kentucky Utilities was adopted at a public meeting of the City Council of the City of Marion, Kentucky on January 10, 2011.

COUNCIL MEMBERS	YES	NO
Donnie Arflack	<u>✓</u>	_____
Jim Brown	<u>✓</u>	_____
Jared Byford	<u>✓</u>	_____
Michael Byford	<u>✓</u>	_____
Dwight Sherer	<u>✓</u>	_____
Darrin Tabor	<u>✓</u>	_____

It appearing that 6 Council Members voted for the adoption of the ordinance, and 0 voted against, with 0 abstaining, the Mayor declared the ordinance adopted.

INTRODUCED AND GIVEN 1<sup>ST</sup> READING: December 20, 2010

GIVEN 2<sup>ND</sup> READING & PASSED: January 10, 2011

PUBLISHED IN THE CRITTENDEN PRESS: January 20, 2011

*Michael D. Alexander*

MICHAEL D. ALEXANDER, MAYOR

ATTEST: *Pam Enoch*

PAM ENOCH, CITY CLERK