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March 27, 2015

FEDEX

Mr. Jeff DeRouen
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

RECEIVED

MAR 30 2015

PUBLIC SERVICE
COMMISSION

Re: Kenergy Corp. Case No. 2015-00098
City of Hartford Franchise

Dear Mr. DeRouen:

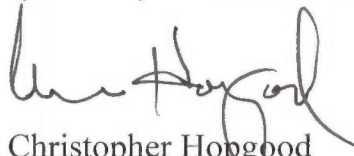
Enclosed for filing please find the original and 10 copies of Application of Kenergy Corp. for A Certificate of Convenience and Necessity to Apply for a Franchise from the City of Hartford. Please confirm this filing and provide the undersigned with the case number.

Thank you for your assistance in this matter. .

Very truly yours,

DORSEY, GRAY, NORMENT & HOPGOOD

By



J. Christopher Hopgood
Counsel for Kenergy Corp.

JCH/cds

Encls.

COPY/w/encls.: Kenergy Corp.

RECEIVED

MAR 30 2015

PUBLIC SERVICE
COMMISSION

**BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

**APPLICATION OF KENERGY CORP.)
FOR A CERTIFICATE OF CONVENIENCE)
AND NECESSITY TO APPLY FOR A) CASE NO. 2015-00098
FRANCHISE FROM THE CITY OF HARTFORD)**

The petition of KENERGY CORP. (“Kenergy”) respectfully shows:

(a) Applicant Kenergy Corp. is a nonprofit electric cooperative organized under KRS Chapter 279 and is engaged in the business of distributing retail electric power to member consumers in the Kentucky counties of Daviess, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Ohio, Webster, Breckinridge, Union, Crittenden, Caldwell, Lyon, and Livingston.

(b) The post office address of Kenergy is Post Office Box 18, Henderson, Kentucky 42419-018.

(c) Kenergy’s Articles of Consolidation were filed on June 22, 1999, and are on file with the Commission in Case No. 99-136. Kenergy attests that it is in good standing.

(d) Applicant is and for many years has been the owner of electric facilities erected along, over, under or across the public ways and grounds of the City of Hartford used in applicant’s distribution of retail electric service in and to said city and the inhabitants thereof. Currently there is no franchise pertaining to these facilities.

(e) The City of Hartford conducted a first reading of the attached Ordinance providing for the creation and sale of a nonexclusive franchise for the privilege of distributing and selling electricity on, above, along and below its public ways. The proposed franchise will be for a term of seven (7) years and will require the successful franchisee to pay the City of Hartford an annual sum equal to 3% derived from the franchise.

(f) There is and will continue to be a demand and need for retail electric service in and to said city and the inhabitants thereof and applicant desires to apply for and obtain said franchise from the City of Hartford.

(g) If applicant is successful in acquiring such franchise a copy of the franchise agreement will be filed with the Commission.

WHEREFORE, applicant asks that the Public Service Commission of the Commonwealth of Kentucky make its order granting to applicant a certificate of convenience and necessity to bid for and acquire the aforementioned franchise from the City of Hartford and applicant further requests all proper relief.

Dated at Henderson, Kentucky, this 27th day of March, 2015.

DORSEY, GRAY, NORMENT & HOPGOOD
318 Second Street
Henderson, Kentucky 42420
Telephone 270 - 826-3965
Telefax 270 - 826-6672
counsel for Kenergy Corp.

By _____


J. Christopher Hopgood

CITY OF HARTFORD, KENTUCKY

ORDINANCE

An Ordinance providing for the sale of a non-exclusive franchise or privilege to construct, maintain, operate, repair and remove an electric transmission and/or distribution system. Together with all necessary or convenient poles, wires, lines, anchors and other facilities and appurtenances for the purpose of transporting, distributing and vending electric energy for public and private uses along, over and across the streets, avenues, lanes, alleys and public grounds of the City of Hartford, Ohio County, Kentucky, for a period of seven (7) years.

Be it ordained by the City of Hartford as follows:

That the right and privilege to use the public streets, avenues, lanes, alleys and public grounds within the city limits of the City of Hartford, Ohio County, Kentucky, for the purpose of constructing, maintaining, operating, repairing and removing an electric transmission and/or distribution system, together with poles, lines, wires, anchors and other facilities appurtenant or incident thereto for the transportation, distribution and sale of electric energy to service in the City of Hartford, and public and private uses therein, including adjoining rural areas, for a period of seven (7) years commencing July 1, 2015, be duly advertised for sale publicly to the highest and best bidder, the City of Hartford reserving the right to reject any and all bids.

Said sale shall be made for three percent (3%) of gross revenues to be paid quarterly (and said payments may be accounted for and reflected on the customer's bill). Said sale shall be subject to confirmation and ratification or rejection by the City of Hartford City Council and if the sale shall not be so confirmed and ratified, the amount paid shall be returned to the successful bidder.

The sale of the franchise herein contemplated shall be made by Lisa Martin, City Clerk of the City of Hartford, or by someone designated by her, who is hereby commissioned to make due advertisement of said sale, which advertisement shall include a description of said franchise right and privilege in the Ohio County Times-News, a newspaper of general circulation published in the City of Hartford, Ohio County, Kentucky. The newspaper advertisement aforesaid shall be published in said newspaper one (1) time not less than seven (7) days nor more than twenty-one (21) days before the sale and within thirty (30) days after the final passage of this ordinance.

The said City Clerk shall submit a report of the sale in writing to the Hartford City Council at its next regular meeting after the sale. The terms and conditions of the franchise, right and privilege so to be advertised and offered for sale, and to be granted in the event the sale is confirmed by the Hartford City Council shall be as follows:

Section 1: The purchaser, his or its successors or assigns, shall have the non-exclusive franchise, privilege, right and power to use and occupy the streets, avenues, alleys, lanes and public grounds within the city limits of the City of

Hartford to construct, maintain, operate, repair and remove an electric transmission and/or distribution systems consisting of transmission and/or distribution poles, lines, wires, anchors and all other facilities and appurtenances necessary or convenient for the purpose of transporting, distributing, vending and conveying electric energy for public and private uses in the City of Hartford and adjoining rural areas, during a term of seven (7) years commencing on July 1, 2015.

The franchise fee shall be three percent (3%) of gross revenues to be paid quarterly and the franchise fees may be accounted for and reflected on the customer's bills.

Section 2: Said construction, operation, maintenance, repair, and removal shall be accomplished with the least practicable inconvenience to the public or individuals and with reasonable dispatch and diligence. All damage to the streets, sidewalks or other public property caused by such operations shall be repaired by the purchaser, his or its successor or assigns, at his or their proper cost and without necessary delay. The purchaser, his or its successors or assigns shall be responsible for all injuries or damage to persons or property occasioned by want of care or negligence in conducting such operation. **The franchisee shall not construct, install, erect, lay, operate, maintain, remove, replace or repair any part or all of its electrical distribution system above or below ground level on any public right-of-way or other public property within the corporate boundaries of the City of Hartford without the expressed authorization of the**

City Utilities Supervisor and any other authorization required under federal or state regulatory authority.

Section 3: The purchaser, his or its successors or assigns, shall have the right to remove all of its property and facilities from the streets, avenues, lanes, alleys, ways and public grounds of the City of Hartford, within a reasonable time after the expiration or other termination of this franchise.

Section 4: The franchise, right, privilege and power herein described, together with all the terms and conditions hereof, shall extend and apply to the successors and assigns of the purchaser, and unlimited and restricted power and authority to assign and transfer the same at will and without further consent thereto by the City of Hartford, or its inhabitants is hereby expressly given and granted to the purchaser, his or its successors and assigns.

Section 5: The purchaser, his or its successors or assigns shall proceed with due diligence to obtain any required approval of applicable public regulatory bodies, to apply for and operate under this franchise.

Section 6: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed and this ordinance shall be in full force and effect from and after its final passage.

INTRUDUCED, READ AND APPROVED by the assembled City Council of the City of Hartford, Kentucky, on its first reading, this the ____ day of _____, 2015.

Hayward Dean Martin
Mayor, City of Hartford

Attest: _____
Lisa Martin
City Clerk