

**Goss  
Samford**

ATTORNEYS AT LAW | PLLC

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(859) 368-7740

May 4, 2018

**RECEIVED**

**MAY 04 2018**

**PUBLIC SERVICE  
COMMISSION**

*Via Hand-Delivery*

Ms. Gwen R. Pinson  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, KY 40602

Re: In the Matter of: Application of Duke Energy Kentucky, Inc. for a Certificate of Public Convenience and Necessity to Bid on a Franchise to Serve the City of Warsaw, Kentucky; Case No. 2018-00151

Dear Ms. Pinson:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of Duke Energy Kentucky Inc.'s Application regarding the above-styled matter. Please return a file-stamped copy to me.

Please do not hesitate to contact me if you have any questions.

Sincerely,



L. Allyson Honaker

Enclosures

MAY 04 2018

PUBLIC SERVICE  
COMMISSIONCOMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

APPLICATION OF DUKE ENERGY )  
KENTUCKY, INC. FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND )  
NECESSITY TO BID ON A FRANCHISE )  
TO SERVE THE CITY OF WARSAW, )  
KENTUCKY )CASE NO. 2018- 00151

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APPLICATION

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Comes now Duke Energy Kentucky, Inc. ("Duke Energy Kentucky" or "Company"), by counsel, pursuant to KRS 278.020(4), 807 KAR 5:001, Section 15(1), 807 KAR 5:001 Section 14 and other applicable law, and tenders hereby its application for a certificate of public convenience and necessity to apply for and obtain a franchise from the city of Warsaw, in Gallatin County, Kentucky ("Warsaw"), to provide natural gas transmission and distribution service, respectfully stating as follows:

1. Duke Energy Kentucky is a Kentucky corporation, originally incorporated on March 20, 1901, that is in good standing and operating as a combined electric and natural gas utility serving approximately 240,000 customers in six Kentucky counties. Duke Energy Kentucky's business address is 139 East Fourth Street, Cincinnati, Ohio 45202 and its local address is Duke Energy Envision Center, 4580 Olympic Boulevard, Erlanger, Kentucky, 41018. The Company's email address is KyFilings@duke-energy.com. Duke Energy Kentucky held a franchise for the use of the City streets, alleys and public grounds to provide

natural gas transmission and distribution facilities and services within the territorial limits of Warsaw. However, that franchise has expired.

2. Duke Energy Kentucky proposes to bid upon a new municipal franchise to place natural gas transmission and distribution facilities in public streets and places of Warsaw and to provide related service to Warsaw. The new franchise will be awarded by the Warsaw City Council.
3. The Warsaw City Council has passed an Ordinance setting forth the requirements and deadlines for submitting a bid to secure a new franchise. A copy of the Ordinance is attached hereto as Exhibit A and incorporated herein by reference. A copy of the Legal Notice that was published in the Gallatin County News by Warsaw regarding said new franchise is attached hereto as Exhibit B and incorporated herein by reference.
4. As evidenced by the Ordinance, there is, and will continue to be, a demand and need for the facilities and services sought to be rendered by Duke Energy Kentucky pursuant to the franchise.
5. Upon obtaining a franchise from Warsaw, Duke Energy Kentucky will file a true and correct copy of same with the Commission.

WHEREFORE, on the basis of the foregoing, Duke Energy Kentucky respectfully requests the Commission to approve this application and to issue to Duke Kentucky a certificate of public convenience and necessity authorizing it to apply for and obtain a franchise from Warsaw, as set forth herein.

This the 4th day of May, 2018.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "L. Allyson Honaker", written over a horizontal line.

David S. Samford  
L. Allyson Honaker  
Goss Samford, PLLC  
2365 Harrodsburg Road  
Suite B-325  
Lexington, Kentucky 40504  
(859) 368-7740  
David@gosssamfordlaw.com  
Allyson@gosssamfordlaw.com

and

Rocco O. D'Ascenzo  
Deputy General Counsel  
Duke Energy Business Services, LLC  
139 East Fourth Street/1303-Main  
P.O. Box 960 Cincinnati, OH 45202  
(513) 287-4320  
Rocco.D'Ascenzo@duke-energy.com

*Counsel for Duke Energy Kentucky, Inc.*

**ORDINANCE 2018-01**

**AN ORDINANCE OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, CREATING A FRANCHISE FOR THE ERECTION, LAYING OPERATION AND MAINTENANCE OF NATURAL GAS TRANSMISSION AND DISTRIBUTION FACILITIES AND APPURTENANT EQUIPMENT IN, ALONG AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF WARSAW, KENTUCKY: FOR FURNISHING AND SELLING NATURAL GAS SERVICES AND PRODUCTS BY MEANS OF SAID FACILITIES; AND PROVIDING FOR THE SALE OF SAID FRANCHISE.**

**WHEREAS**, the City of Warsaw ("City") wishes to ensure that natural gas service continues to be available 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 the current franchisee under which it provides such natural gas service has or will expire;

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

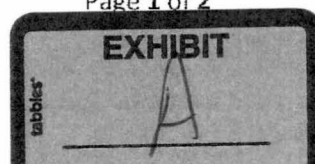
**NOW, THEREFORE, BE IT ORDAINED** as follows:

**SECTION 1:** A competitive franchise ("Franchise") to use the City's public rights-of-way, public streets, ways, alleys and other public places for the purpose of the erection, laying, operation and maintenance of natural gas transmission and distribution facilities and appurtenant equipment 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 bidders to perform their obligations under the Franchise.

**SECTION 4:** The winning bidder and the City shall negotiate, execute and be bound by Franchise Agreements to contain terms that are fair and reasonable to the City, to the purchasers of the Franchise and to the patrons of the utilities, pursuant to KRS Section 96.010. Such Franchise Agreements shall take effect upon execution and according to the terms of the Agreements.



**SECTION 5:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 6:** Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall 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.

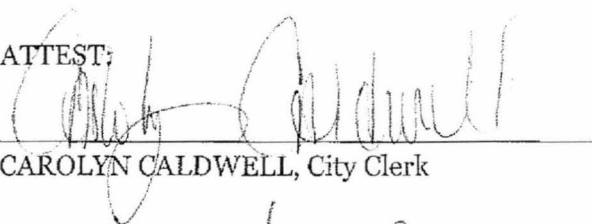
**SECTION 9:** The foregoing Ordinance was read, passed and adopted by the Council of the City of Warsaw, Kentucky, meeting in regular session on the 12<sup>th</sup> day of March, 2018, and in regular session on the 9th day of April, 2018, with 5 yes votes, 0 no votes, and 0 abstentions, and was ordered published in summary according to law.

APPROVED:

By:

  
NELSON BROWN, Mayor

ATTEST:

  
CAROLYN CALDWELL, City Clerk

PUBLISHED: 4.11.18

**Gallatin County News  
P.O. Box 435  
Warsaw, Kentucky**

**AFFIDAVIT**

The affiant, Denny Kelley Warnick, publisher or proprietor of the Gallatin County News, Warsaw, Kentucky, after being duly sworn and cautioned does depose and states the following:

That the Gallatin County News is a newspaper printed and published in the State of Kentucky and of general circulation in the County of Gallatin.

That the attached Legal Notice was duly published in the Gallatin County News on April 11, 2018.  
Done at Warsaw, Kentucky, this 3rd day of May, 2017.

Denny K. Warnick

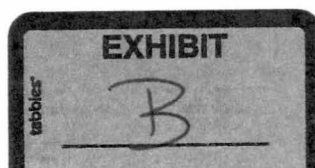
STATE OF KENTUCKY  
COUNTY OF GALLATIN

Subscribed and sworn to before me by Denny K. Warnick,  
This 3rd day of May, 2018 at Warsaw, Gallatin County, Kentucky.

Kelley Warnick

Notary Public

My commission expires  
September 9th, 2018





# PUBLIC NOTICES

## PUBLIC NOTICE: ORDINANCE 2018-01

**AN ORDINANCE OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, CREATING A FRANCHISE FOR THE ERECTION, LAYING OPERATION AND MAINTENANCE OF NATURAL GAS TRANSMISSION AND DISTRIBUTION FACILITIES AND APPURTENANT EQUIPMENT IN, ALONG AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF WARSAW, KENTUCKY; FOR FURNISHING AND SELLING NATURAL GAS SERVICES AND PRODUCTS BY MEANS OF SAID FACILITIES; AND PROVIDING FOR THE SALE OF SAID FRANCHISE.**

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APPROVED:

NELSON BROWN, Mayor

ATTEST:

CAROLYN CALDWELL, City Clerk 15-1c

## PUBLIC NOTICE:

### CITY OF WARSAW BUSINESS LICENSES

Please remember that any business doing work within the city limits of Warsaw must have a business license. This includes all contractors, mowing services and deliveries.

Licenses can be obtained by visiting [www.cityofwarsawky.org](http://www.cityofwarsawky.org) and printing off a form and mailing it in or at the City Building, 303 East Main Street.

THANK YOU

Mayor Nelson Brown 15-1c

**PUBLIC NOTICE:** The public will take notice that the undersigned has qualified as the Executor of the estate of Juanita Nell Satchwell, deceased. All persons indebted to, will make payment to, and all persons having claims upon said estate will make their claims as required by law.

Bobby Roland  
475 Ambrose Road  
Warsaw, KY 41095 15-1c

**PUBLIC NOTICE:** Owen County Public Transit (OCPT) is conducting a public hearing to identify unmet public transit needs within Gallatin County, primarily regarding elderly persons, disabled persons and veterans.

To thoroughly assess the needs of Gallatin County, a public hearing has been scheduled for 2 p.m. on Wednesday, April 25, 2018, at the City of Warsaw Meeting Room, 300 East High Street, Warsaw, KY 41095.

If you have questions regarding this public information gathering process, please contact Meagan Greenlee at 502-484-3405 or [ptadm@owencountyky.us](mailto:ptadm@owencountyky.us).

15-1c

## PUBLIC NOTICE:

### COMMISSIONER'S SALE GALLATIN CIRCUIT COURT, CASE NO. 17-CI-00065 BLUESHINE, LLC PLAINTIFF VERSUS)

Donn Boatman, Phoebe Boatman, Unknown Spouse, If Any, of Donn N. Boatman, Name Unknown, Unknown Spouse, If Any, of Phoebe Boatman, Name Unknown, County of Gallatin,

Commonwealth CD Fund, LLC,  
Midland Funding, LLC and  
Eagle Eye Ventures, LLC  
DEFENDANTS

### NOTICE OF SALE

By virtue of a judgment and order of

sale of the Gallatin Circuit Court entered March 9, 2018 in the above case I shall proceed to offer for sale INSIDE THE SOUTH DOOR OF THE GALLATIN COUNTY COURTHOUSE Warsaw, Kentucky, to the highest bidder, at public auction on THURSDAY April 26, 2018 at the hour of 1:30 p.m. or thereabouts, the following described property, to-wit:

ADDRESS: 205 Wilder Court Warsaw, KY 41095

PIDN: Parcel No. 33-HA-240

Being all of Lot 240 of Homestead Acres Subdivision, Section 3, (erroneously stated as Section 1, in current and prior deeds), as set out on Plat A-78-8 in the Gallatin County Clerk's Office Warsaw, Kentucky.

Affidavit of Conversion to Real Estate of record in Book M2 (erroneously stated as Book M62 in current deed), Page 145, for a Manufactured / Mobile Home: Make Redmon; Model: Monterey; Serial VIN Number: 11265162; Title Number: 032110390005; Model Number RMMR286.

BEING the same property conveyed to Donn N. Boatman and Phoebe Boatman, husband and wife, by Deed dated November 28, 2012 and recorded December 6, 2012, of record in Deed Book 114, Page 440, in the Office of the Clerk of Gallatin County, Kentucky.

Said property shall be sold for the purpose of collecting the following judgment debt: A judgment in favor of the plaintiff(s) in the amount of \$6,172.2 together with interest, assessment taxes and costs herein expended.

**TERMS OF SALE:** The property shall be sold as a whole. The purchaser may pay all or part of the purchase price in cash, and may pay the balance of the purchase price on a credit of 30 days after date of sale; said credit shall be granted only upon the execution by the purchaser of bond, with surety thereon and said surety shall be a lending institution, fidelity or surety company authorized and doing business in Kentucky or other surety approved by the Master Commissioner; an authorized officer of the surety must be present at the sale or must have given the Master Commissioner adequate assurance of its intent to be surety prior to or at the sale; said Bond shall be, and shall remain, a lien on the property sold as additional security for the payment of the full purchase price, and shall have the full force and effect of a Judgment and said Bond shall bear interest at the rate of Twelve (12%) Percent per annum until paid. The purchaser shall be required to pay the sum of 10% of the bid amount in cash or certified check at the purchase at the time of sale. Risk of loss shall pass to the successful bidder at the close of the sale. The successful bidder at the sale shall, at bidder's own expense, carry fire and extended insurance coverage on any improvements from the date of sale until the purchase price is fully paid, with a loss payable clause to the Master Commissioner of the Gallatin Circuit Court. 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, a lien holder herein, after giving notice to the Master Commissioner, to effect said insurance and furnish the policy or evidence thereof to the Master Commissioner, and the premium thereon or the proper portion thereof shall be charged to the purchaser at the purchaser's cost. The property shall