

**Goss
Samford**

ATTORNEYS AT LAW | PLLC

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(859) 368-7740

July 2, 2018

RECEIVED

JUL 02 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 Fort Mitchell, Kentucky; Case No. 2018- 00231

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

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COMMONWEALTH OF KENTUCKY

JUL 02 2018

BEFORE THE PUBLIC SERVICE COMMISSION

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 FORT MITCHELL,)
KENTUCKY)

CASE NO. 2018- 00231

APPLICATION

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 Fort Mitchell, in Kenton County, Kentucky ("Fort Mitchell"), to provide electricity and natural gas transmission and distribution service, respectfully stating as follows:

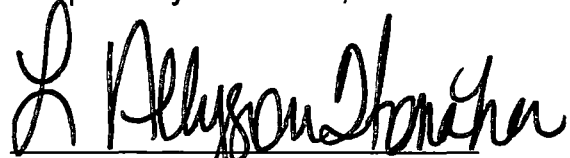
1. Duke Energy Kentucky is a Kentucky corporation, originally incorporated on March 20, 1901, that is in good standing and operating as a combined electric and natural gas utility serving approximately 240,000 customers in six Kentucky counties. Duke Energy Kentucky's business address is 139 East Fourth 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

- electricity and natural gas transmission and distribution facilities and services within the territorial limits of Fort Mitchell. However, that franchise has expired.
2. Duke Energy Kentucky proposes to bid upon a new municipal franchise to place electric and natural gas transmission and distribution facilities in public streets and places of Fort Mitchell and to provide related service to Fort Mitchell. The new franchise will be awarded by the Fort Mitchell City Council.
 3. The Fort Mitchell City Council has passed a Resolution setting forth the requirements and deadlines for submitting a bid to secure a new franchise. Fort Mitchell has directed that bids shall be received on or before Monday, July 9, 2018. A copy of the Resolution is attached hereto as Exhibit A and incorporated herein by reference. A copy of the Legal Notice that was published by Fort Mitchell regarding said new franchise is attached hereto as Exhibit B and incorporated herein by reference.
 4. As evidenced by the Resolution, 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 Fort Mitchell, 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 Energy Kentucky a certificate of public convenience and necessity authorizing it to apply for and obtain a franchise from Fort Mitchell, as set forth herein.

This the 2nd day of July, 2018.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "L. Allyson Honaker". The signature is written in a cursive style with a large initial "L".

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L. Allyson Honaker
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Suite B-325
Lexington, Kentucky 40504
(859) 368-7740
David@gosssamfordlaw.com
Allyson@gosssamfordlaw.com

and

Rocco O. D'Ascenzo
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.

RESOLUTION NO. 2018-15

A RESOLUTION OF THE CITY OF FORT MITCHELL, KENTUCKY AUTHORIZING THE SOLICITATION OF BIDS FOR A NON-EXCLUSIVE FRANCHISE FOR THE USE OF THE PUBLIC STREETS, ALLEYS, AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND NATURAL GAS THROUGH AND FOR CONSUMPTION WITHIN THE CITY.

Whereas, Section 163 of the Kentucky Constitution prohibits public utilities from using streets, alleys, and other public grounds within a city without a franchise for that use; and

Whereas, Section 164 of the Kentucky Constitution requires that, before granting a franchise or privilege for a term of years, a municipality shall first, after due advertisement, receive bids therefor publicly, and award the same to the highest and best bidder, but it shall have the right to reject any or all bids; and

Whereas, KRS 96.010 requires that, at least eighteen (18) months before the expiration of any franchise, the legislative body of each city shall provide for the sale of a new franchise to the highest and best bidder on terms that are fair and reasonable to the city, to the purchaser of the franchise, and to the patrons of the utility.


NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT MITCHELL, KENTUCKY, AS FOLLOWS:

SECTION 1

That the City authorizes the solicitation of the bids for a non-exclusive franchise for the use of the public streets, alleys, and other public grounds of the City for the transmission and distribution of electricity and natural gas through and for consumption within the City, to be awarded the highest and best bidder on terms that are fair and reasonable to the city, to the purchaser of the franchise and to the patrons of the utility, but the City shall have the right to reject any or all bids.

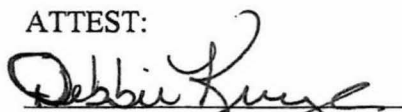
SECTION 2

That this Resolution shall take effect upon passage and approval on this the 21st day of May, 2018.

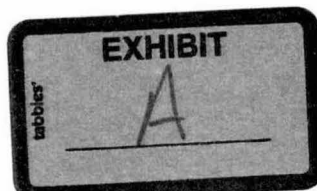


Jude S. Hehman, Mayor

ATTEST:


Debbie Krueger, City Clerk

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225944-76209

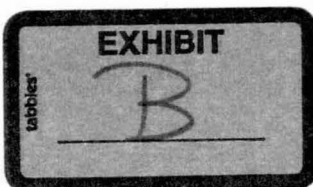


REQUEST FOR BIDS
FOR THE CITY OF FORT MITCHELL, KENTUCKY'S
ELECTRIC FRANCHISE

The City of Fort Mitchell is soliciting bids from parties interested in obtaining franchises to operate and provide electric systems within the confines of the City of Fort Mitchell, Kentucky. Franchise(s) awarded pursuant to this Request for Bids will be non-exclusive and for a term of one (1) year. Bids must meet all of the requirements set forth in the draft Ordinance, a copy of which may be obtained from the office of the Fort Mitchell City Clerk.

Sealed bids must be received no later than 12:00 p.m. local time on 9th day of July, 2018, at which time the bids will be opened and read aloud publicly in the office of the City Administrator for the City of Fort Mitchell, KY. Sealed bid proposals should be sent to the attention of: Sharmili Reddy, City Administrator, City of Fort Mitchell, 2355 Dixie Highway, Fort Mitchell, KY 41017.

The City of Fort Mitchell reserves the right to accept any bid, to reject any and all bids, to waive any irregularities or informalities in awarding the franchise, and to accept what, in its discretion and judgement, is the best evaluated bid which is in the best interest of, and is most advantageous to, the City.



REQUEST FOR BIDS
FOR THE CITY OF FORT MITCHELL, KENTUCKY'S
NATURAL GAS FRANCHISE

The City of Fort Mitchell is soliciting bids from parties interested in obtaining franchises to operate and provide natural gas systems within the confines of the City of Fort Mitchell, Kentucky. Franchise(s) awarded pursuant to this Request for Bids will be non-exclusive and for a term of one (1) year. Bids must meet all of the requirements set forth in the draft Ordinance, a copy of which may be obtained from the office of the Fort Mitchell City Clerk.

Sealed bids must be received no later than 12:00 p.m. local time on 9th day of July, 2018, at which time the bids will be opened and read aloud publicly in the office of the City Administrator for the City of Fort Mitchell, KY. Sealed bid proposals should be sent to the attention of: Sharmili Reddy, City Administrator, City of Fort Mitchell, 2355 Dixie Highway, Fort Mitchell, KY 41017.

The City of Fort Mitchell reserves the right to accept any bid, to reject any and all bids, to waive any irregularities or informalities in awarding the franchise, and to accept what, in its discretion and judgement, is the best evaluated bid which is in the best interest of, and is most advantageous to, the City.