

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|-----------------------------------------|---|------------|
| ELECTRONIC APPLICATION OF COLUMBIA |) | |
| GAS OF KENTUCKY, INC. FOR A CERTIFICATE |) | CASE NO. |
| OF PUBLIC CONVENIENCE AND NECESSITY |) | 2023-00297 |
| TO BID ON A FRANCHISE OFFERED BY THE |) | |
| CITY OF RACELAND, KENTUCKY |) | |

ORDER

On September 22, 2023, Columbia Gas of Kentucky, Inc. (Columbia Gas) filed its application with the Commission seeking a Certificate of Public Convenience and Necessity (CPCN) to authorize it to bid on a franchise offered by the city of Raceland, Kentucky, for the transmission and distribution of natural gas. Columbia Gas provided a copy of the Raceland City Council Meeting Minutes of August 22, 2023, that authorized placing a franchise for the sale and distribution of natural gas within the city of Raceland boundary out for bid.¹ Columbia Gas also provided a copy of the public notice of the sale of franchise that was published August 31, 2023.²

Sections 163 and 164 of the Kentucky Constitution and KRS Chapter 96 authorize municipal corporations to require public utilities, including non-governmental providers of electricity within the municipal corporations' boundaries, to operate under franchise agreements and to grant utilities the right to use public right-of-way on reasonable and necessary conditions. Under the provisions of KRS 278.020(5), no utility may apply for a

¹ Application, Attachment A.

² Application, Attachment B.

franchise from any governmental agency until it has obtained a CPCN from this Commission based on our finding that there is a need and demand for the service sought to be rendered.

In light of the city of Raceland's ordinance creating a natural gas transmission and distribution franchise, the Commission determines that there is evidence of a need and demand for natural gas service in the above-mentioned city. Since the Commission's authority in such matters is limited by statute to finding only whether there is a need and demand for the service sought to be rendered, no finding or determination is made as to the qualifications of the bidder, the validity of any of the provisions of the franchises offered by said city, or the manner in which any franchise fee is to be treated for rate purposes.

The Commission directs Columbia Gas to the Commission's July 22, 2021 Order in Case No. 2020-00085³ regarding filings with the Commission.

IT IS THEREFORE ORDERED that:

1. Columbia Gas is granted a CPCN that authorizes it to bid on a franchise offered by the city of Raceland, Kentucky, for the transmission and distribution of natural gas.

2. If Columbia Gas is not the successful bidder, Columbia Gas shall file with the Commission, within ten days of the award of the franchise at issue, a written notice stating that Columbia Gas was not the successful bidder.

³ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

3. If Columbia Gas is the successful bidder, Columbia Gas shall file with the Commission, within ten days of the award of the franchise at issue, a copy of the executed franchise agreement and a statement disclosing the amount of the initial franchise fee.


4. If Columbia Gas is the successful bidder, Columbia Gas shall file with the Commission, within ten days of an increase or decrease in the amount of the initial franchise fee set forth in the franchise agreement, documentation setting forth the revised fee.

5. Any documents filed pursuant to ordering paragraphs 2, 3, or 4 of this Order shall reference the number of this case and shall be electronically submitted via the Commission's electronic Tariff Filing System.

6. This Order shall not be construed as granting a CPCN to construct utility facilities in said city.

7. This case is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
OCT 03 2023 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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