

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY	)	CASE NO.
AUTHORIZING THE APPLICANT TO APPLY FOR	)	2025-00363
AND OBTAIN A FRANCHISE FROM THE CITY	)	
OF JACKSON IN BREATHITT COUNTY,	)	
KENTUCKY	)	

ORDER

On November 24, 2025, Kentucky Power Company (Kentucky Power) 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 Jackson, Kentucky, for electric transmission and distribution service. Kentucky Power provided a copy of Ordinance No. 101625, which authorized granting a franchise for the sale and distribution of electricity within the city of Jackson boundary.¹ Ordinance No. 101625 was approved on November 13, 2025, and public notice of the sale of franchise was published on November 19, 2025.²

Notably, in Case No. 2025-00287 by final Order dated September 4, 2025, Kentucky Power was granted a CPCN to bid on a franchise offered by the city of Jackson

¹ Application (filed Nov. 24, 2025), Exhibit 2.

² Application, Exhibit 3.

arising from Ordinance No. 071725A.³ According to Kentucky Power's Application filed in this matter, ". . . the Jackson City Council voted to readvertise the franchise for sale with a five-year term instead of the 20-year term that was originally advertised. . ." which in turn gave rise to the additional application.⁴ Accordingly, the Commission finds that the CPCN issued in Case No. 2025-00287, including the post case filing requirements associated with the same, should be moot.

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 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 Jackson's ordinance creating a franchise for electric transmission and distribution service, the Commission determines that there is evidence of a need and demand for electric transmission and distribution 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

³ Case No. 2025-00287, *Electronic Application of Kentucky Power Company for a Certificate of Public Convenience and Necessity Authorizing the Applicant to Apply for and Obtain a Franchise from the City of Jackson in Breathitt County, Kentucky* (Ky, PSC Sept. 4, 2025).

⁴ Application at 1.

any of the provisions of the franchise offered by said city, or the manner in which any franchise fee is to be treated for rate purposes.

The Commission directs Kentucky Power to the Commission's July 22, 2021 Order in Case No. 2020-00085⁵ regarding filings with the Commission.

IT IS THEREFORE ORDERED that:

1. Kentucky Power is granted a CPCN that authorizes it to bid on a franchise offered by the city of Jackson, Kentucky, for electric transmission and distribution service.

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

3. If Kentucky Power is the successful bidder, Kentucky Power 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 Kentucky Power is the successful bidder, Kentucky Power 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.

⁵ 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).

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

7. The CPCN issued in Case No. 2025-00287 is moot and Kentucky Power is relieved of any additional post case filing requirements ordered in that matter. A copy of this Order shall be placed in the Case No. 2025-00287 file.

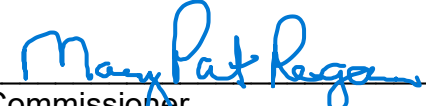
8. This case is closed and removed from the Commission's docket.

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PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



Case No. 2025-00363

*Hector Garcia Santana
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OH 43216

*Harlee P. Havens
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

*Juan Dawson
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

*Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Kenneth J Gish, Jr.
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

*Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KY 40602-0634

*Michael J. Schuler
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OH 43216