

SHEEHAN, BARNETT, DEAN & PENNINGTON, P.S.C.

ATTORNEYS AT LAW  
114 SOUTH FOURTH STREET  
P. O. BOX 1517  
DANVILLE, KENTUCKY 40423-1517  
Telephone (859) 236-2641  
Fax Number (859) 236-1483

JAMES WILLIAM BARNETT  
JAMES HADDEN DEAN  
HENRY VINCENT PENNINGTON, III  
RAMONA C LITTLE  
STEPHEN A. DEXTER

OF COUNSEL  
JAMES G SHEEHAN, JR.  
ELIZABETH G NICKELS

January 21, 2009

RECEIVED  
JAN 22 2009  
PUBLIC SERVICE  
COMMISSION

Hon. Stephanie Stumbo  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, KY 40602-0615

Re: Case No. 2008-00452  
Inter-County Energy Cooperative Corporation  
Franchise/City of Stanford

Dear Ms. Stumbo:

Enclosed find the following documents with reference to the sale of the City of Stanford electric franchise. You granted an order to allow Inter-County Energy Cooperative to bid on this franchise, which was dated November 3, 2008.

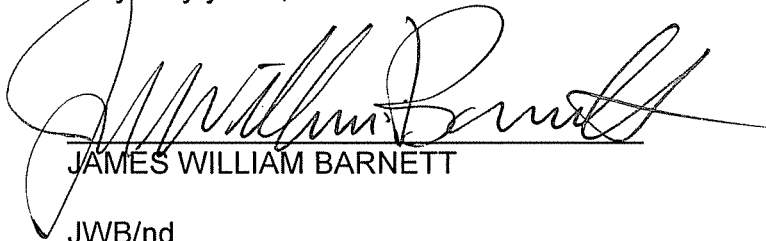
For your record and file, find enclosed copies of the following:

- Notice of Sale of Franchise;
- Council Minutes for a meeting December 15, 2008 reflecting that Inter-County Energy Cooperative Corporation made the only bid of \$790.00 for the franchise and the action by the Council to award the franchise to Inter-County Energy;
- Resolutions of the City Council dated November 6, 2008 authorizing the clerk to advertise for the franchise;
- Notice of Ordinance Granting Franchise to Inter-County Energy Cooperative Corporation dated December 19, 2008 and the actual franchise being Ordinance #450.1208, granting the City of Stanford franchise to Inter-County Energy;
- Affidavit of Publication;
- Certificate of the City Clerk and Resolution of the City of Stanford certifying that the ordinance granting the franchise was passed, with first reading on November 6, 2008 and final reading and passage on December 15, 2008.

Hon. Stephanie Stumbo  
January 21, 2009  
Page 2

If we can provide any further information, please let me know.

Very truly yours,



JAMES WILLIAM BARNETT

JWB/nd  
Encl.

cc: Mr. James L. Jacobus, President/CEO  
Inter-County Energy Cooperative Corporation

## NOTICE OF SALE OF FRANCHISE

By virtue of a Resolution heretofore passed by the City Council of the City of Stanford, Kentucky directing the undersigned to advertise for bids and sell to the best eligible bidder a franchise to use the streets, avenues, alleys and public places of the City of Stanford, Kentucky for the purpose of owning, operating, equipping and maintaining a system for the distribution of electric energy, the undersigned, as City Clerk of the said City, will on the 15 day of December, 2008, at or about the hour of 5 o'clock P.m., sell at public auction to the highest and best eligible bidder at the City Hall in said City, a franchise for the purposes above set out.

Said franchise is more particularly described and fully defined in a proposed Ordinance granting and creating the same and said proposed Ordinance defines the terms and conditions upon which this sale will be made, and is in full as follows:

### AN ORDINANCE

THE CITY COUNCIL OF THE CITY OF STANFORD, LINCOLN COUNTY, KENTUCKY,  
DOES ORDAIN AS FOLLOWS:

SECTION 1. That \_\_\_\_\_, the purchaser and grantee of this franchise, his or its legal representatives, successors, and assigns, hereinafter called the "purchaser", be, and is, subject to the conditions hereinafter contained, hereby authorized and empowered to acquire, purchase, construct, maintain and operate in and through this City, a system or works for the generation, distribution and transmission of electrical energy from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations and municipalities beyond the limits thereof, and for the sale of same for light, heat, power and other purposes to erect and maintain poles, wires and other apparatus necessary or convenient for the operation of said system in, upon, across and along each and all of the streets, avenues, alleys and public places, within the present and future corporate limits of this City; to have and hold, as by law authorized, any and all real estate, easements, water and other rights necessary or convenient for said purpose; to use any and all such streets, avenues, alleys and public places while constructing or operating said electric system or works; and to cross any and all streets and streams in this City for the purpose of constructing, maintaining or extending such poles, wires and other apparatus as may be necessary or convenient for the proper distribution of electric energy in and through this City. If, after any pole has once been erected, the City Council shall order the removal of said pole to another location, the City shall pay the cost of making such relocation, unless due to widening, regrading or reconstruction of the street or highway, in which case the purchaser will relocate at its expense. In any

extensions of the present distribution system, additional poles shall be placed under the supervision of the City Council.

SECTION 2. The purchaser shall indemnify, and save harmless the City from any and all damages, judgments, decrees, costs and expenses, including a reasonable attorney's fee, which the City may legally suffer or incur or which may be legally obtained against the City for or by reason of the use and occupation of any street, avenue, alley, or other public place in the City by the purchaser, pursuant to the terms of this franchise, or legally resulting from the exercise by the purchaser of any of the privileges herein granted; and, if any claim shall be made or suit brought against the City for damages alleged to have been sustained by reason of the occupation of any street, avenue, alley or public place or the exercise of any privileges herein granted, by the purchaser, the City shall immediately notify the purchaser in writing thereof, and the purchaser is hereby given the right and privilege to defend or assist in defending such suit, in the name of the City.

SECTION 3. The purchaser may furnish electricity for light, heat, power and any other purpose to any person or persons residing along or near the aforesaid streets, avenues, alleys and public places, and may make such lawful contracts for the use thereof as may be agreed upon between the purchaser and the said person or persons.

SECTION 4. The purchaser shall extend its electric light or power lines and install additional equipment whenever there is assured to it from additional business to be derived therefrom a reasonable return upon the investment required to install such extension.

SECTION 5. The purchaser shall have the right to make and enforce reasonable rules and regulations necessary to the proper conduct of its business and protection of its property.

SECTION 6. The purchaser shall have the right to charge for electrical energy supplied within the City, rates that are reasonable and that are subject to regulation by the Public Service Commission of Kentucky.

SECTION 7. This franchise and all rights and privileges granted hereunder shall be in full force and effect for a period of twenty (20) years from and after the date when this franchise is granted to the purchaser.

SECTION 8. This franchise may be transferred by the purchaser and the word "purchaser" whenever used in this franchise shall include and be taken to mean and apply also to all successors and assigns of the purchaser.

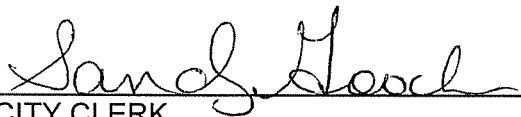
SECTION 9. As additional consideration for the grant of this franchise, the purchaser will pay to the City a sum equal to three percent (3%) of the gross revenue received by the purchaser, on or after January 1, 2009, or on and after the date when the grant of this franchise becomes effective, whichever is later, from electric service rendered within the corporate limits of the City to customers supplied under residential and commercial revenue classifications, as now defined in the Company's system of accounts and reported to the Public Service Commission of Kentucky. The amount payable to the City for each full calendar year during which this franchise is in effect, shall be computed on the basis of revenues received between January 1<sup>st</sup> and December 31<sup>st</sup> of such year, and payment shall be made on or prior to March 1<sup>st</sup> next following such December 31<sup>st</sup>; the amount which may be payable to the City for a portion of a calendar year at the commencement or termination of the term of this franchise shall be computed on the basis of revenues received during such portion of a calendar year, and shall

be payable not more than 60 days after the termination of the period for which payment is made. Should any license tax, occupational tax or any other tax, charge or fee except ad valorem taxes be now or hereafter imposed, the amount payable under this section shall be payable only to the extent that it exceeds the sum of all such taxes, charges or fees.

SECTION 10. It shall be the duty of the City Clerk, as soon as practicable after the introduction of this ordinance, to sell at public auction, to the highest and best eligible bidder, the within franchise at the City Hall on some day to be fixed by him after advertising the proposed ordinance and the time and place of sale thereof once a week for three consecutive weeks, in The Interior Journal, and in making said sale he shall receive no bid for less amount than the total expense connected with the making of said sale including the cost of advertising, and he shall report his actions hereunder at a subsequent meeting of this Council. This Council reserves the right to reject any and all bids.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

The City Council of Stanford, Kentucky met in regular session at the regular meeting place this 15 day of December, 2008.

There were present at said meeting, Bill Miracle, Mayor, and the following Council members: Bobby Wilkinson, Mike Southerland  
Eddie Carter, Tim Estes

ABSENT: Steve Lucas and Scottie Ernst

The Mayor announced that a quorum was present and that the meeting was open for the transaction of business.

Sandy Gooch, City Clerk, made the following report:

To the City Council of the City of Stanford, Kentucky:

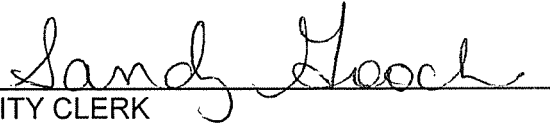
Pursuant to the Resolution and proposed Ordinance introduced at the previous meeting of the Council on the 6 day of November, 2008, I, as City Clerk, was authorized and directed to advertise and receive bids for a franchise defined by said Ordinance for the use and occupation of certain parts of the streets, alleys, and public ways of the City for the transmission and distribution of electric energy for light, heat, power and other purposes. In accordance therewith, I advertised the Ordinance defining said franchise and the terms and conditions upon which it was to be granted, and the time and place of the sale thereof, once a week for three consecutive weeks in The Interior Journal. This advertisement noticed the public that I would offer for sale the franchise to the highest and best eligible bidder on the 15 day of December, 2008, at 5 o'clock P.m. at the City Hall.

Pursuant to the Resolution, Notice, Ordinance, advertisement and publication, I offered said franchise for sale at public outcry, at the time and place mentioned in said notice. The highest bid received was that of Inter-County Energy Cooperative Corporation and the amount of said bid was \$ 790.00, and it was the only bid made.

Inter-County Energy Cooperative Corporation was accepted by me as the highest and best eligible bidder, subject to the right of the Council to reject said bid.

I further report that said sum of \$ 790.00 is in excess of all costs in any wise incurred in connection with said franchise, including costs of advertisement, sale and publication thereof, and that Inter-County Energy Cooperative Corporation has paid to me, as City Clerk, the amount of said bid.

DATED this 15 day of December, 2008, the date of this meeting.

  
CITY CLERK

Thereupon, upon motion duly made, seconded and carried, it was ordered by the Council that said report of the Clerk be and it was received and spread upon the Minutes of this meeting as a part of its records in this matter.

Thereupon, Councilperson Tim Estes introduced the following Resolution:

WHEREAS, pursuant to the action of the Council at a former meeting, the City Clerk received bids at public outcry for the sale of an electric franchise created by Ordinance introduced at said meeting, after due notice and advertisement as shown by the report heretofore filed; and

WHEREAS, Inter-County Energy Cooperative Corporation was the highest eligible bidder for said franchise and was accepted by the Clerk as the highest eligible bidder, subject to the right of the Council to reject said bid; and

WHEREAS, it is the opinion of this Council that Inter-County Energy Cooperative Corporation was the highest and best eligible bidder for said franchise; and

WHEREAS, it is the opinion of this Council that it is in the best interest of this City that Inter-County Energy Cooperative Corporation be accepted as the highest and best eligible bidder for said franchise and that said franchise should be sold and granted to it;

THEREFORE, BE IT RESOLVED that the sale by the Clerk heretofore reported to Inter-County Energy Cooperative Corporation be and the same is hereby ratified and approved, and the bid of said Inter-County Energy Cooperative Corporation for said franchise be and it is hereby accepted as the highest and best bid therefor;

BE IT FURTHER RESOLVED that the aforesaid Ordinance first introduced at the Council meeting held on the 6 day of November, 2008, be now adopted with the name of Inter-County Energy Cooperative Corporation inserted in Section One (1) thereof, and in all other pertinent sections, as the grantee of the franchise therein provided;

BE IT FURTHER RESOLVED that the City Clerk be, and is, hereby directed to publish said Ordinance in the following named newspaper: The Interior Journal.

Said Councilperson moved the adoption of said Resolution and this motion, being duly seconded, received the following affirmative votes: Bobby Wilkinson  
Tim Estes Mike Southerland Eddie  
Carter

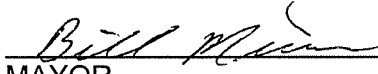
NEGATIVE: None

The Mayor announced that the motion was duly carried and said Resolution was adopted. The name of the grantee was inserted, and the Ordinance received the following affirmative votes: Bobby Wilkinson Tim Estes Mike  
Southerland Eddie Carter

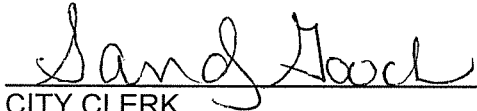
NEGATIVE: None



The Mayor then announced that said Ordinance was duly passed and adopted, signed the Ordinance as Mayor, and the City Clerk attested the signature of the Mayor.

  
MAYOR

ATTEST:

  
CITY CLERK

The City Council of Stanford, Kentucky met in regular session at the regular meeting place in said City on the 6 day of Nov, 2008.

There were present at said meeting, Bill Miracle, Mayor, and the following Council members: Bobby Wilkinson, Eddie Carter, Tim Estes  
Scottie Grnst, Mike Southerland

ABSENT: Steve Lucas

The Mayor announced that a quorum was present and that the meeting was open for the transaction of business.

Thereupon, the following Resolution was introduced by Councilperson Scottie  
Grnst.

WHEREAS, the current franchise for electrical services in that portion of the City of Stanford which is now served by Inter-County Energy Cooperative Corporation will expire on January 1, 2009, as will the 3% tax on utility service, and in order to continue the income to the City, it will be necessary to sell a new franchise to become effective January 1, 2009, with the expiration of the old franchise; and

WHEREAS, certain parties are desirous of obtaining a franchise for the right to use certain of the streets, alleys and public grounds in this City for the construction, maintenance and operation, as hereinafter described, of facilities for use in the transmission and distribution of electrical energy in certain parts of this City; and

WHEREAS, it is the opinion of this body that it is to the best interest of this City that such franchise be advertised, sold and granted according to law;

THEREFORE, BE IT RESOLVED that such franchise be, and the same is, hereby defined and the terms and conditions upon which same is to be granted and enjoyed are specified, all as set forth in the Ordinance introduced herewith; that the City Clerk be, and is hereby, authorized and directed to offer said franchise for sale at public outcry to the highest

and best eligible bidder under the terms of KRS 278.016, 278.017, and 278.018 and related statutes (hereinafter called "best eligible bidder") in accordance with the terms and conditions set forth in said franchise; and that the City Clerk, after having advertised for sale and sold said franchise be, and is, hereby directed to report this action to a subsequent meeting of this body.

BE IT FURTHER RESOLVED that the terms and conditions of said franchise are set forth in the Ordinance now introduced, which Ordinance is as follows:

### AN ORDINANCE

THE CITY COUNCIL OF THE CITY OF STANFORD, LINCOLN COUNTY, KENTUCKY, DOES ORDAIN AS FOLLOWS:

SECTION 1. That leave blank, fill After bid Award, the purchaser and grantee of this franchise, his or its legal representatives, successors, and assigns, hereinafter called the "purchaser", be, and is, subject to the conditions hereinafter contained, hereby authorized and empowered to acquire, purchase, construct, maintain and operate in and through this City, a system or works for the generation, distribution and transmission of electrical energy from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations and municipalities beyond the limits thereof, and for the sale of same for light, heat, power and other purposes to erect and maintain poles, wires and other apparatus necessary or convenient for the operation of said system in, upon, across and along each and all of the streets, avenues, alleys and public places, within the present and future corporate limits of this City; to have and hold, as by law authorized, any and all real estate, easements, water and other rights necessary or convenient for said purpose; to use any and all such streets, avenues, alleys and public places while constructing or operating said electric system or works; and to cross any and all streets and streams in this City for the purpose of constructing, maintaining or extending such poles, wires and other apparatus as may be necessary or convenient for the proper distribution of electric energy in and through this City. If, after any pole has once been erected, the City Council shall order the removal of said pole to another location, the City shall pay the cost of making such relocation, unless due to widening, regrading or reconstruction of the street or highway, in which case the purchaser will relocate at its expense. In any extensions of the present distribution system, additional poles shall be placed under the supervision of the City Council.

SECTION 2. The purchaser shall indemnify, and save harmless the City from any and all damages, judgments, decrees, costs and expenses, including a reasonable attorney's fee, which the City may legally suffer or incur or which may be legally obtained against the City for or by reason of the use and occupation of any street, avenue, alley, or other public place in the City by the purchaser, pursuant to the terms of this franchise, or legally resulting from the exercise by the purchaser of any of the privileges herein granted; and, if any claim shall be made or suit brought against the City for damages alleged to have been sustained by reason of the occupation of any street, avenue, alley or public place or the exercise of any privileges herein granted, by the purchaser, the City shall immediately notify the purchaser in writing thereof, and the purchaser is hereby given the right and privilege to defend or assist in defending such suit, in the name of the City.

SECTION 3. The purchaser may furnish electricity for light, heat, power and any other purpose to any person or persons residing along or near the aforesaid streets, avenues, alleys and public places, and may make such lawful contracts for the use thereof as may be agreed upon between the purchaser and the said person or persons.

SECTION 4. The purchaser shall extend its electric light or power lines and install additional equipment whenever there is assured to it from additional business to be derived therefrom a reasonable return upon the investment required to install such extension.

SECTION 5. The purchaser shall have the right to make and enforce reasonable rules and regulations necessary to the proper conduct of its business and protection of its property.

SECTION 6. The purchaser shall have the right to charge for electrical energy supplied within the City, rates that are reasonable and that are subject to regulation by the Public Service Commission of Kentucky.

SECTION 7. This franchise and all rights and privileges granted hereunder shall be in full force and effect for a period of twenty (20) years from and after the date when this franchise is granted to the purchaser.

SECTION 8. This franchise may be transferred by the purchaser and the word "purchaser" whenever used in this franchise shall include and be taken to mean and apply also to all successors and assigns of the purchaser.

SECTION 9. As additional consideration for the grant of this franchise, the purchaser will pay to the City a sum equal to three percent (3%) of the gross revenue received by the purchaser, on or after January 1, 2009, or on and after the date when the grant of this franchise becomes effective, whichever is later, from electric service rendered within the corporate limits of the City to customers supplied under residential and commercial revenue classifications, as now defined in the Company's system of accounts and reported to the Public Service Commission of Kentucky. The amount payable to the City for each full calendar year during which this franchise is in effect, shall be computed on the basis of revenues received between January 1<sup>st</sup> and December 31<sup>st</sup> of such year, and payment shall be made on or prior to March 1<sup>st</sup> next following such December 31<sup>st</sup>; the amount which may be payable to the City for a portion of a calendar year at the commencement or termination of the term of this franchise shall be computed on the basis of revenues received during such portion of a calendar year, and shall be payable not more than 60 days after the termination of the period for which payment is made. Should any license tax, occupational tax or any other tax, charge or fee except ad valorem taxes be now or hereafter imposed, the amount payable under this section shall be payable only to the extent that it exceeds the sum of all such taxes, charges or fees.

SECTION 10. It shall be the duty of the City Clerk, as soon as practicable after the introduction of this ordinance, to sell at public auction, to the highest and best eligible bidder, the within franchise at the City Hall on some day to be fixed by him after advertising the proposed ordinance and the time and place of sale thereof once a week for three consecutive weeks, in The Interior Journal, and in making said sale he shall receive no bid for less amount than the total expense connected with the making of said sale including the cost of advertising, and he shall report his actions hereunder at a subsequent meeting of this Council. This Council reserves the right to reject any and all bids.

Bill Minick  
MAYOR

ATTEST:

Sandy Hoach  
CITY CLERK

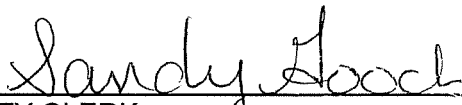
Councilperson Scottie Ernst moved the adoption of said Resolution, and said Motion being duly seconded by Eddie Carter, the Motion and Resolution received the following affirmative votes: Bobby Wilkinson  
Scottie Ernst Eddie Carter Mike Southendand  
Tim Estes  
Negative: -None

THEREUPON the Mayor announced that said Resolution was duly adopted. Said Ordinance was given a first reading but was not put upon its passage and it was ordered that same remain on file at least one week for public inspection and thereafter be brought up for passage at a meeting of the Council, after the City Clerk has sold the franchise at public outcry as directed in the foregoing Resolution.

**NOTICE OF ORDINANCE GRANTING FRANCHISE  
TO  
INTER-COUNTY ENERGY COOPERATIVE CORPORATION**

The following is a true and correct copy of an Ordinance enacted on the 15 day of December, 2008, by the Board of Commissioners of Stanford, Kentucky, creating and defining an electric franchise, the purchaser and grantee of which was Inter-County Energy Cooperative Corporation.

DATED: 12/19/18

  
\_\_\_\_\_  
CITY CLERK  
STANFORD, KENTUCKY

**AN ORDINANCE # 450.1208**

THE BOARD OF COMMISSIONERS OF THE CITY OF STANFORD, LINCOLN COUNTY, KENTUCKY, DOES ORDAIN AS FOLLOWS:

SECTION 1. That Inter-County Energy Cooperative Corporation, the purchaser and grantee of this franchise, his or its legal representatives, successors, and assigns, hereinafter called the "purchaser", be, and is, subject to the conditions hereinafter contained, hereby authorized and empowered to acquire, purchase, construct, maintain, and operate in and through the City, a system or works for the generation, distribution and transmission of electrical energy from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations and municipalities beyond the limits thereof, and for the sale of same for light, heat, power and other purposes to erect and maintain poles, wires and other apparatus necessary or convenient for the operation of said system, in, upon, across and along each and all of the streets, avenues, alleys, and public places, within the present and future corporate limits of this City; to have and to hold, as by law authorized, any and all real estate, easements, water and other rights necessary or convenient for said purpose; to use any and all such streets, avenues, alleys and public places while constructing or operating said electric system or works; and to cross any and all streets and streams in this City for the purpose of constructing, maintaining or extending such poles, wires and other apparatus as may be necessary or convenient for the proper distribution of electric energy in and through this City. If, after any pole has once been erected, the Board of Commissioners shall order the removal of said pole to another location, the City shall pay the cost of making such relocation, unless due to widening, regrading or reconstruction of the street or highway, in which case the purchaser will relocate at its expense. In any extensions of the present distribution system, additional poles shall be placed under the supervision of the Board of Commissioners.

SECTION 2: The purchaser shall indemnify, and save harmless the City from any and all damages, judgments, decrees, costs and expenses, including a reasonable attorney's fee, which the City may legally suffer or incur or which may be legally obtained against the City for or by reason of the use and occupation of any street, avenue, alley, or other public place in the City by the purchaser, pursuant to the terms of this franchise, or legally resulting from the exercise by the purchaser of any of the privileges herein granted; and, if any claim shall be made or suit brought against the City for damages alleged to have been sustained by reason of the occupation of any street, avenue, alley, or public place or exercise of any privileges herein granted, by the purchaser, the City shall immediately notify the purchaser in writing thereof, and the purchaser is hereby given the right and privilege to defend or assist in defending such suit, in the name of the City.

SECTION 3: The purchaser may furnish electricity for light, heat and power and any other purpose to any person or persons residing along or near the aforesaid streets, avenues, alleys and public places, and may make such lawful contacts for the use thereof as may be agreed upon between the purchaser and the said person or persons.

SECTION 4: The purchaser shall extend its electric light or power lines and install additional equipment whenever there is assured to it from additional business to be derived therefrom a reasonable return upon the investment required to install such extension.

SECTION 5: The purchaser shall have the right to make and enforce reasonable rules and regulations necessary to the proper conduct of its business and protection of its property.

SECTION 6: The purchaser shall have the right to charge for electrical energy supplied within the City, rates that are reasonable and that are subject to regulation by the Public Service Commission of Kentucky.

SECTION 7: This franchise and all rights and privileges granted hereunder shall be in full force and effect for a period of twenty (20) years from and after the date when this franchise is granted to the purchaser.

SECTION 8: This franchise may be transferred by the purchaser and the word "purchaser" whenever used in this franchise shall include and be taken to mean and apply also to all successors and assigns of the purchaser.

SECTION 9: As additional consideration for the grant of this franchise, the purchaser will pay to the City a sum equal to three percent (3%) of the gross revenue received by the purchaser, on or after January 1, 2009, or on and after the date when the grant of this franchise becomes effective, whichever is later, from electric service rendered within the corporate limits of the City to customers supplied under residential and commercial revenue classifications, as now defined in the Company's system of accounts and reported to the Public Service Commission of Kentucky. The amount payable to the City for each full calendar year during which this franchise is in effect shall be computed on the basis of revenues received between January 1<sup>st</sup> and December 31<sup>st</sup> of such year, and payments shall be made quarterly on or before April 1<sup>st</sup>, July 1<sup>st</sup>, October 1<sup>st</sup>, and January 1<sup>st</sup>, the amount which may be payable to the City for a portion of a calendar year at the commencement or termination of the term of this franchise shall be computed on the basis of revenues received during such portion of a calendar year, and shall be payable not more than sixty (60) days after the termination of the period for which payment is made. Should any license tax, occupational tax or any other tax, charge or fee

the bid of said Inter-County Energy Cooperative Corporation for said franchise be and it is hereby accepted as the highest and best bid therefor;

BE IT FURTHER RESOLVED that the aforesaid Ordinance first introduced at the Council meeting held on the 6<sup>th</sup> day of November, 2008, be now adopted with the name of Inter-County Energy Cooperative Corporation inserted in Section One (1) thereof, and in all other pertinent sections, as the grantee of the franchise therein provided;

BE IT FURTHER RESOLVED that the City Clerk be, and is, hereby directed to publish said Ordinance in the following named newspaper: The Interior Journal.

Said Councilperson moved the adoption of said Resolution and this motion, being duly seconded, received the following affirmative votes: Bobby Wilkinson, Eddie Carter, Tim Estes and Mike Southerland.

NEGATIVE: None.

The Mayor announced that the motion was duly carried and said Resolution was adopted. The name of the grantee was inserted, and the Ordinance received the following affirmative votes: Bobby Wilkinson, Eddie Carter, Tim Estes and Mike Southerland.

NEGATIVE: None

The Mayor then announced that said Ordinance was duly passed and adopted, signed the Ordinance as Mayor, and the City Clerk attested the signature of the Mayor.

  
MAYOR

ATTEST:

  
CITY CLERK



**AFFIDAVIT OF PUBLICATION**

The undersigned, being first duly sworn, states that she is the City Clerk of the City of Stanford, Kentucky, and further certifies that the attached newspaper advertisement was published in the *Interior Journal*, a newspaper of general circulation in Stanford, Lincoln County, Kentucky, on November 13, 2008, November 20, 2008, November 26, 2008 and December 18, 2008.

  
\_\_\_\_\_  
SANDY GOOCH, CITY CLERK

STATE OF KENTUCKY

COUNTY OF LINCOLN

SUBSCRIBED, SWORN TO, and ACKNOWLEDGED before me by Sandy Gooch, City Clerk for the City of Stanford, to be her voluntary act and deed on this 6<sup>th</sup> day of

January, 2009.

My commission expires: 12/13/11

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE AT LARGE, KY

The City Council of Stanford, Kentucky met in Special Session at the Stanford City Hall this 15<sup>th</sup> day of December, 2008.

There were present at said meeting, Bill Miracle, Mayor, and the following Council members: Bobby Wilkinson, Mike Southerland, Eddie Carter and Tim Estes.

ABSENT: Steve Lucas and Scottie Ernst

The Mayor announced that a quorum was present and that the meeting was open for the transaction of business.

Sandy Gooch, City Clerk, made the following report:

To the City Council of the City of Stanford, Kentucky:

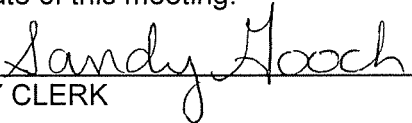
Pursuant to the Resolution and proposed Ordinance introduced at the previous meeting of the Council on the 6<sup>th</sup> day of November, 2008, I, as City Clerk, was authorized and directed to advertise and receive bids for a franchise defined by said Ordinance for the use and occupation of certain parts of the streets, alleys, and public ways of the City for the transmission and distribution of electric energy for light, heat, power and other purposes. In accordance therewith, I advertised the Ordinance defining said franchise and the terms and conditions upon which it was to be granted, and the time and place of the sale thereof, once a week for three consecutive weeks in The Interior Journal. This advertisement noticed the public that I would offer for sale the franchise to the highest and best eligible bidder on the 15th day of December, 2008, at 5 o'clock pm. at the City Hall.

Pursuant to the Resolution, Notice, Ordinance, advertisement and publication, I offered said franchise for sale at public outcry, at the time and place mentioned in said notice. The highest bid received was that of Inter-County Energy Cooperative Corporation and the amount of said bid was \$790.00 and it was the only bid made.

Inter-County Energy Cooperative Corporation was accepted by me as the highest and best eligible bidder, subject to the right of the Council to reject said bid.

I further report that said sum of \$790.00 is in excess of all costs in any wise incurred in connection with said franchise, including costs of advertisement, sale and publication thereof, and that Inter-County Energy Cooperative Corporation has paid to me, as City Clerk, the amount of said bid.

DATED this 15th day of December , 2008, the date of this meeting.

  
CITY CLERK

Thereupon, upon motion duly made, seconded and carried, it was ordered by the Council that said report of the Clerk be and it was received and spread upon the Minutes of this meeting as a part of its records in this matter.

Thereupon, Councilperson Tim Estes introduced the following Resolution:

WHEREAS, pursuant to the action of the Council at a former meeting, the City Clerk received bids at public outcry for the sale of an electric franchise created by Ordinance introduced at said meeting, after due notice and advertisement as shown by the report heretofore filed; and

WHEREAS, Inter-County Energy Cooperative Corporation was the highest eligible bidder for said franchise and was accepted by the Clerk as the highest eligible bidder, subject to the right of the Council to reject said bid; and

WHEREAS, it is the opinion of this Council that Inter-County Energy Cooperative Corporation was the highest and best eligible bidder for said franchise; and

WHEREAS, it is the opinion of this Council that it is in the best interest of this City that Inter-County Energy Cooperative Corporation be accepted as the highest and best eligible bidder for said franchise and that said franchise should be sold and granted to it;

THEREFORE, BE IT RESOLVED that the sale by the Clerk heretofore reported to Inter-County Energy Cooperative Corporation be and the same is hereby ratified and approved, and

except Ad Valorem taxes be now or hereafter imposed, the amount payable under this section shall be payable only to the extent that it exceeds the sum of all such taxes, charges or fees.

GIVEN FIRST READING AND PASSAGE: November 6, 2008  
GIVEN SECOND READING AND PASSAGE: December 15, 2008

  
\_\_\_\_\_  
BILL MIRACLE, MAYOR

ATTEST:

  
\_\_\_\_\_  
SANDY GOOCH, CITY CLERK