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PUBLIC SERVICE
COMMISSION

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Dianne B. Kuhnell,
Senior Paralegal

VIA OVERNIGHT DELIVERY

June 5, 2009

2009 - 00208

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PUBLIC SERVICE
COMMISSION

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

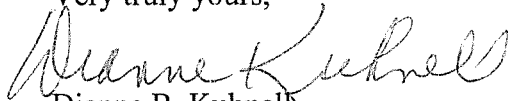
Re: Application – Approval of Changes in Certified Service Territory
Hickory Vly/Claiborne Subdivision – Kenton County, KY
Case No. 2009-

Dear Mr. Derouen:

Enclosed please find an original and ten copies of the Application for approval of certain changes in the certified service territory as agreed to by Duke Energy Kentucky, Inc. (Duke Energy Kentucky) and Owen County Electric Cooperative, Inc. In the Application, Duke Energy Kentucky requests permission to file only two complete sets of maps referred to in the Application due to the bulk of the maps. If the Commission approves the requested territorial boundary changes, Duke Energy Kentucky requests that the Commission make additional copies of the territorial maps, affix its approval stamp and return a copy to each of the utilities in this case for its records.

Additionally, please file stamp the two copies of this letter and the Application enclosed herein and return in the enclosed return-addressed envelope.

Very truly yours,


Dianne B. Kuhnell
Senior Paralegal

cc: Parties of record

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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JUN 08 2009

In the matter of:

PUBLIC SERVICE
COMMISSION

APPLICATION OF DUKE ENERGY)
KENTUCKY, INC. FOR)
AUTHORIZATION OF CHANGES)
IN SERVICE TERRITORY WITH)
OWEN COUNTY ELECTRIC COOPERATIVE)

CASE NO. 2009- 00208

APPLICATION

Duke Energy Kentucky, Inc. (Duke Energy Kentucky), pursuant to KRS 278.018(6) and 807 KAR 5:001 Section 8, hereby applies for approval of changes in certified service territory as agreed with Owen County Electric Cooperative (Owen Electric).

1. Address: The Applicant's full name and post office address is Duke Energy Kentucky, 139 E. Fourth Street, Cincinnati, Ohio 45202.
2. Articles of Incorporation: A certified copy of Duke Energy Kentucky's Restated Articles of Incorporation is on file with the Commission in Case No. 2005-00042.
3. Statement of Business: Duke Energy Kentucky is a public utility engaged in the business of generating, transmitting, and distributing electric service.
4. Description of Changes in Service Territory: Duke Energy Kentucky and Owen Electric have individually agreed to the requested territorial change.

The territorial boundary change requested for the Hickory Valley Subdivision – Phase B/Claiborne Subdivision Phase 5A in Kenton County, Kentucky is a re-alignment due to proximity of the two utilities performing installation of utility service within the subdivisions. This requested change will serve the purposes of KRS 278.016 by avoiding unnecessary encumbering of the landscape, allowing the electric service for the good of public convenience and necessity and promoting the orderly development of retail

electric service. The territorial maps provided constitute the entire agreement between Duke Energy Kentucky and Owen Electric.

Included is a summary list of the requested territorial changes identifying Duke Energy Kentucky personnel familiar with the specifics of the facilities available, the reason for the change, and purposes served under KRS 278.016.

5. Agreement and Maps: Attached as Application Exhibit 1 of this filing are copies of the territorial map, detail map, and agreement signed by both parties for the property involved.

WHEREFORE, DE-Kentucky hereby requests, pursuant to KRS 278.018, that the Commission enter its order approving the service territory changes and Agreements allocating these electric consumers as agreed to by the parties. Due to the bulk of the maps, Duke Energy Kentucky requests the Commission to deviate from 807 KAR 5:001 Section 8 (2) and permit Duke Energy Kentucky to file only two complete sets of maps.

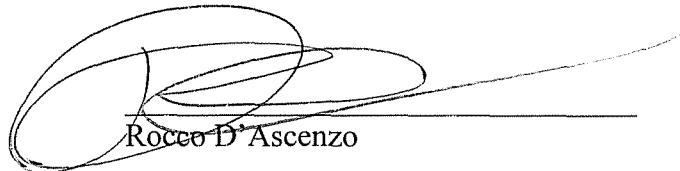
Respectfully submitted,



Rocco D'Ascenzo (92796)
Senior Counsel
Amy B. Spiller (85309)
Associate General Counsel
Duke Energy Kentucky, Inc.
139 E. Fourth St.
P.O. Box 960
Cincinnati, Ohio 45201
Telephone: (513) 419-1852
Facsimile: (513) 419-1846
rocco.d'ascenzo@duke-energy.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Application was served on the Parties of Record on the 5th day of June, 2009 via U.S. mail, postage prepaid:



Rocco D'Ascenzo

Mr. David Wainscott
Service Planner Supervisor
Owen Electric Cooperative, Inc.
P.O. Box 400
Owenton, KY 40359-0400

PARTIES OF RECORD

Mr. David Wainscott
Service Planner Supervisor
510 South Main Street
P.O. Box 400
Owenton, KY 40359-0400

Rocco D'Ascenzo
Senior Counsel
Amy B. Spiller
Associate General Counsel
Duke Energy Kentucky, Inc.
139 E. Fourth Street EA025
P.O. Box 960
Cincinnati, OH 45202

Mr. Joe Groeschen
Customer Project Coordinator
Duke Energy Kentucky, Inc.
5445 Audro Drive
Cincinnati, OH 45239

TERRITORIAL CHANGE INFORMATION

Affected Property: Hickory Valley Subdivision Phase B and Claiborne Subdivision Phase 5A
Foreign Utility: Owen Electric Cooperative, Inc.
Quadrant Map: NE/4 Walton INDEPENDENCE, KY
Agreement Date: April 16, 2009
(date of last signature)

1. Utility signed copies of quadrant (Key) map showing revised territorial line with a note referencing the property/customer, and date of the territorial agreement. (**2 paper** copies required for filing)
2. Utility signed copies of site map (Plat) and/or territorial agreement showing original and revised territorial boundary. (**2 paper** copies needed for filing)

The map must include coordinates accurate to within 3 meters for at least **four** points on the territorial line. It is preferable that these points include the beginning and ending points of the change. We also must provide the coordinate system used: This will be utilizing Global Positioning System (GPS) with the coordinates based upon WGS84.
3. Copies of all written agreements (**1** needed – not original)
4. Name of employee who would serve as Duke Energy Kentucky, Inc.'s witness if a hearing is required:
Joe Groeschen
5. Name and mailing address of the foreign utility, and the name and title their official who is to receive the Commission Stamped quadrant map:
Owen Electric Cooperative, Inc.
510 South Main Street
P.O. Box 400
Owenton, Kentucky 40359-0940
6. The reason(s) for the boundary change (realignment with lot/property lines, closest utility (give details), it is the least cost of providing service to the customer(s), etc.):
Duke Energy Kentucky requested by Owen Electric to provide electric service to the areas of subdivisions closest to its boundary line (proposed areas shown on map) and Owen Electric to provide electric service to sections of Duke Energy Kentucky territory (proposed area of change on map).
7. How does this boundary change promote the purposes of KRS 278.016? (check all that apply)
 Promotes the orderly development of retail electric service
 Avoids wasteful duplication of facilities
 Avoids unnecessary encumbering of the landscape
 Prevents waste of materials and natural resources
 Is necessary for the public convenience and necessity
 Minimizes disputes between retail electric suppliers which may result in inconvenience, diminished efficiency, and higher cost to the consumer
8. Will any retail customer change electric supplier as the result of this boundary change?
 No (Check this if no retail customers were receiving service in affected territory prior to the boundary change.)
 Yes (If yes, provide the information on Attachment 1 for each customer affected.)

CUSTOMERS CHANGING ELECTRIC SUPPLIER AS RESULT OF TERRITORIAL CHANGE
(does not apply to customers not receiving service prior to boundary change)

- a. Customer Name: NONE- No customers with utility service in either development as of yet; subdivision being built out.
- b. Address: N.A.
- c. Territorial (Key) map(s)
- d. Existing (original) utility: _____
Future (new) utility: _____
- d. Date and forms (personal contact, US Mail, etc.) of customer notification of the pending territorial reassignment: _____
- a. Customer Name: _____
- b. Address: _____
- c. Territorial (Key) map(s)
- d. Existing (original) utility: _____
Future (new) utility: _____
- d. Date and forms (Personal contact, US Mail, etc.) of customer notification of the pending territorial reassignment: _____

Application Exhibit 1

TERRITORIAL BOUNDARY CHANGES

MAPS & AGREEMENTS



5445 Audro Drive
Cincinnati, Oh 45247-7001
Fax:(513)287-1483

April 16, 2009

Owen Electric
Attn: David Wainscott
510 South Main Street
P.O. Box 400
Owenton, KY 40359-0400

Re: Hickory Valley Sub'd Ph B & Claiborne 5A Sub'd

Dear Mr. Wainscott:

Enclosed is a marked up Drawing showing the Territory Boundaries as laid out by our Landbase Engineering Group in the Hickory Valley Sub'd Ph B & Claiborne 5A Sub'd area of Kenton County.

Please note that the drawing also shows existing Duke Energy facilities inside of Owen Electric Territory and the proposed Territory Boundary at Regal Ridge Rd., Waterview Way, Lakearbor Dr., Fieldsteade Dr., Stonemill Dr., and Windmill Dr..

I proposed to have the Territory Boundary Line changed to show the lots West of but not including lots 183 and lot 192 along Stablewatch Dr. considered Owen Electric Territory.

If you are in agreement with the description of the above mentioned lot ownership, and the proposed Territory Boundary Line mentioned around the streets above, please have a copy of this letter signed, dated, and returned to me as authorization to proceed. This letter and drawing will then be submitted to the Utility Commission for a territory boundary change.

If you have any questions, please contact me at 513-287-1450.

APPROVED BY: David Wainscott
TITLE: Service Planner Supervisor
DATE: 4/27/09
Owen Electric

APPROVED BY: Joe Groeschen
TITLE: Customer Project Coordinator
DATE: 4/20/09
Duke Energy