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PUBLIC SERVICE  
COMMISSION



**PPL companies**

February 18, 2020

Ms. Gwen Pinson  
Executive Director  
Public Service Commission of Kentucky  
211 Sower Boulevard  
Frankfort, Kentucky 40602

**LG&E and KU Energy LLC**  
Legal Department  
220 West Main Street  
Louisville, Kentucky 40202  
[www.lge-ku.com](http://www.lge-ku.com)

Allyson K. Sturgeon  
Managing Senior Counsel -  
Regulatory & Transactions  
T 502-627-2088  
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[allyson.sturgeon@lge-ku.com](mailto:allyson.sturgeon@lge-ku.com)

**RE: Application of Kentucky Utilities Company for a Certificate of Public Convenience and Necessity Authorizing KU to Bid on a Franchise Established by the City of Richmond**

Dear Ms. Pinson:

Enclosed please find an original and 10 copies of an Application for a Certificate of Public Convenience and Necessity ("CCN"), to enable Kentucky Utilities Company (the "Company") to apply for an electric franchise with the City of Richmond (the "City") pursuant to KRS 278.020(5). In a public meeting held on February 11, 2020, the City Council of Richmond, Kentucky passed Ordinance No. 20-02, which directed the advertising for bids and selling of an electric franchise in the City. The Company asks that the Commission enter an Order granting a Certificate of Public Convenience and Necessity to bid for and acquire a franchise from the City on or before February 27, 2020.

For many years, the Company has been the owner of a franchise granted by the City to erect facilities for providing electric service to the City and the inhabitants thereof. The franchise to be obtained will replace the previous franchise.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads 'Allyson K. Sturgeon'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Allyson K. Sturgeon

Enclosures

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PUBLIC SERVICE  
COMMISSION

**BEFORE THE  
KENTUCKY PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**APPLICATION OF KENTUCKY UTILITIES COMPANY )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY AUTHORIZING KU TO BID ON A ) CASE NO. 2020- 00046  
FRANCHISE ESTABLISHED BY THE CITY OF )  
RICHMOND, KENTUCKY )**

**APPLICATION**

The Applicant, Kentucky Utilities Company (“KU”), respectfully states as follows:

1. The Post Office address of the principal office of Applicant is 220 West Main Street, Louisville, Kentucky 40202. KU is a Kentucky corporation authorized to do business in the Commonwealth of Kentucky.

2. KU is a utility engaged in the business of supplying electric service in and to various cities and the inhabitants thereof within the Commonwealth of Kentucky, and has conducted such business for a number of years. The instant filing is made in accordance with Section 278.020(5) of the Kentucky Revised Statutes.

3. Receipt of the requested certificate will allow KU to pursue its bid on a new franchise for which the City of Richmond, Kentucky (the “City”) has solicited bids pursuant to resolution or ordinance and advertisement, a copy of which is attached hereto as Exhibit A.

4. KU was incorporated in Kentucky on August 17, 1912, and in Virginia on November 26, 1991 (and effective as of December 1, 1991), and is in good standing in Kentucky and Virginia. A copy of KU’s good standing certificate in Kentucky is attached as Exhibit B to this Application. KU can be reached at the email addresses of the counsel listed below.

5. There is and will continue to be a demand and need for electric service in the areas of the City subject to the franchise, and KU desires to obtain a franchise in accordance with the bidding protocol established by the City.

6. Should KU be successful in acquiring said franchise, it will file copies thereof with the Commission.

WHEREFORE, Kentucky Utilities Company asks that the Commission enter an Order granting to KU a Certificate of Public Convenience and Necessity to bid for and acquire a franchise from the City on or before February 27, 2020.

Dated at Louisville, Kentucky, this 18 day of February, 2020.

A handwritten signature in black ink, reading "Allyson K. Sturgeon". The signature is written in a cursive style and is positioned above a horizontal line.

Allyson K. Sturgeon  
Senior Corporate Attorney  
Kentucky Utilities Company  
220 West Main Street  
Louisville, Kentucky 40202  
Allyson.Sturgeon@lge-ku.com  
(502) 627-2088

**Exhibit A**

**[See Attached]**

**ORDINANCE NO. 20-02**

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY CREATING A FRANCHISE FOR THE ERECTION, LAYING, AND MAINTENANCE OF ELECTRIC FACILITIES AND APPURTENANT FACILITIES AND EQUIPMENT IN, ALONG, AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS, AND OTHER PUBLIC PLACES IN THE CITY OF RICHMOND, KENTUCKY FOR FURNISHING AND SELLING ELECTRICITY BY MEANS OF SAID FACILITIES AND PROVIDING FOR THE GRANTING OF THAT FRANCHISE**

**WHEREAS**, the City of Richmond wishes to ensure that electric service continues to be furnished to its citizens in a reliable and efficient manner; and

**WHEREAS**, the City is aware that the provision of such service requires the continued use of public streets, ways, alleys, and other public places; and

**WHEREAS**, the franchise granted to and acquired by Kentucky Utilities Company on April 18, 2000, under which that utility provided such service, will expire by its terms on April 18, 2020; and

**WHEREAS**, the City wishes to provide for the granting of a new franchise for the benefit of its citizenry, giving effect to Section 96.010 of the Kentucky Revised Statutes;

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**SECTION I**

An exclusive franchise (the "Franchise") to use the City's public rights-of-way, as described in the Franchise Agreement attached to this Ordinance, is hereby created.

**SECTION II**

The Franchise created by this Ordinance shall be bid in accordance with the applicable requirements of the Constitution of the Commonwealth of Kentucky and Chapter 424 of the Kentucky Revised Statutes, as well as with the provisions of any applicable City ordinance.

**SECTION III**

The Franchise created by this Ordinance shall be awarded to the highest and best bidder as shall be determined by the City in the exercise of its discretion. In awarding the Franchise, the City shall include in its consideration and bid analysis, but not be limited to, the technical, managerial, and financial qualifications of the bidder to perform its obligations under the Franchise Agreement.

#### **SECTION IV**

The winning bidder and the City shall execute and be bound by a Franchise Agreement with terms identical to, or substantially identical to, the Franchise Agreement referenced in Section I, above and attached hereto, such Franchise Agreement to contain terms that, "... are fair and reasonable to the City, to the purchaser of the Franchise, and to the patrons of the utility..." as is mandated by the provisions of KRS Section 96.010. Such Franchise Agreement shall become effective with the first billing cycle on or after the expiration of the existing franchise agreement, to allow the City and the winning bidder to develop appropriate procedures for identifying and reviewing the electric-consuming entities within the City's corporate limits.

#### **SECTION V**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

#### **SECTION VI**

Should any section, clause, line, paragraph, or part of this Ordinance or the attached Franchise Agreement be held invalid for any reason, the same shall not affect the remainder of this Ordinance or of the attached Franchise Agreement.

#### **SECTION VII**

Time is of the essence in carrying out the terms and provisions of this Ordinance and of the Franchise created hereby.

#### **SECTION VIII**

This Ordinance shall become effective immediately upon its adoption following second reading, and publication in accordance with the requirements of applicable Kentucky law.

**DATE OF FIRST READING:** January 28, 2020  
**MOTION BY:** Commissioner Grant  
**SECONDED BY:** Commissioner McDaniel

**DATE OF SECOND READING:** February 11, 2020  
**MOTION BY:** Commissioner Brewer  
**SECONDED BY:** Commissioner McDaniel

**VOTE**

Commissioner Brewer  
Commissioner Grant  
Commissioner McDaniel  
Commissioner Morgan  
Mayor Blythe

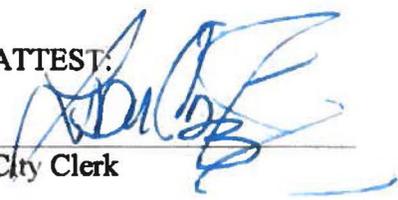
**YES**

**NO**

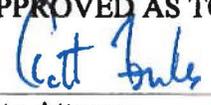
x  
x  
x  
x  
x

  
\_\_\_\_\_  
Mayor Blythe

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**ATTORNEY'S CERTIFICATION AS TO SUMMARY OF ORDINANCE FOR  
PUBLICATION**

**COMES NOW** the undersigned Garrett T. Fowles, who does certify as follows:

1. That he is a licensed and practicing attorney in the Commonwealth of Kentucky.
2. That he has prepared, for purposes of publication in accordance with the requirements of Chapter 424 of the Kentucky Revised Statutes, the attached summary or summaries of Ordinance(s) duly enacted by the Board of Commissioners for the City of Richmond, Kentucky.

Dated this the 13th day of February, 2020.

  
\_\_\_\_\_  
Garrett T. Fowles

Ordinances 20-01  
20-02

# THE RICHMOND REGISTER

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## Public Notice

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**Source** Richmond Register

**Category** Public Notice

**Published Date** February 15, 2020

### Notice Details

**PUBLIC NOTICE AN ADVERTISEMENT FOR BIDS FOR THE AWARD OF AN EXCLUSIVE FRANCHISE FOR THE PROVISION OF ELECTRIC SERVICE WITHIN THE CITY OF RICHMOND, KENTUCKY TAKE NOTICE** that the City of Richmond, Kentucky does hereby advertise for bids for the award of an exclusive franchise to use certain streets, alleys, and public grounds of the City for the purpose of owning, operating, equipping and maintaining a system for the transmission and distribution of electric energy within the boundaries of the City. The City Clerk will accept sealed bids seeking the award of such a franchise in the office of the City Clerk on the second floor of Richmond City Hall, 239 W. Main Street, Richmond, Kentucky, 40475 during normal business hours of 8:00 a.m. through 4:30 p.m. To be considered, a bid must be received by the City Clerk at or before 4:30 p.m. on the Thursday, 27th day of February, 2020. Public opening of the sealed bids will take place in the office of the City Manager at 4:30 p.m. on the Thursday, 27th day of February, 2020. The franchise to be awarded is fully described in Richmond City Ordinance No. 20-02, enacted by the Richmond Board of Commissioners on the 11th day of February, 2020, and the franchise agreement to be entered into between the City and the successful bidder is as was attached to and incorporated in Ordinance No. 20-02. Copies of the said Ordinance and of the said franchise agreement may be obtained in the office of the City Clerk at any time during normal business hours as are hereinabove set forth.

**Exhibit B**

**[See Attached]**

**Commonwealth of Kentucky**  
**Michael G. Adams, Secretary of State**

Michael G. Adams  
Secretary of State  
P. O. Box 718  
Frankfort, KY 40602-0718  
(502) 564-3490  
<http://www.sos.ky.gov>

**Certificate of Existence**

Authentication number: 225108

Visit <https://app.sos.ky.gov/ftshow/certvalidate.aspx> to authenticate this certificate.

I, Michael G. Adams, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

**KENTUCKY UTILITIES COMPANY**

is a corporation duly incorporated and existing under KRS Chapter 14A and KRS Chapter 271B, whose date of incorporation is August 17, 1912 and whose period of duration is perpetual.

I further certify that all fees and penalties owed to the Secretary of State have been paid; that Articles of Dissolution have not been filed; and that the most recent annual report required by KRS 14A.6-010 has been delivered to the Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 7<sup>th</sup> day of January, 2020, in the 228<sup>th</sup> year of the Commonwealth.



*Michael G. Adams*

Michael G. Adams  
Secretary of State  
Commonwealth of Kentucky  
225108/0028494