

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

In the Matter of:

Application of Kentucky Power Company )  
For A Certificate Of Public Convenience )  
And Necessity Authorizing The Applicant ) Case No. 2011-00293  
To Obtain A Franchise In The City Of )  
Hindman, Knott County, Kentucky )

**Motion For A Declaration Or In The Alternative For An Extension Of Time  
To Exercise Its Rights Under Certificate Of Public Convenience And Necessity**

Kentucky Power Company moves the Public Service Commission of Kentucky pursuant to KRS 278.020(1) for a declaration that it has exercised its rights under the Certificate of Public Convenience and Necessity granted by the Commission in this proceeding, or alternatively for an extension of time in which to do so. In support thereof, Kentucky Power states:

1. On August 16, 2011, the Commission granted Kentucky Power a Certificate of Public Convenience And Necessity authorizing the Company “to bid on a franchise for electric service offered by the city of Hindman, Kentucky.”<sup>1</sup>
2. Kentucky Power has been in negotiations with the city of Hindman regarding the franchise agreement.
3. The city ordinance soliciting bids for the franchise is being advertised.
4. Kentucky Power intends to submit a bid for the franchise at the time for doing so under the ordinance. Kentucky Power anticipates doing so before the end of August, 2012
5. KRS 278.020(1) provides in pertinent part:

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<sup>1</sup> Order, *In the Matter of: Application of Kentucky Power Company For A Certificate Of Public Convenience And Necessity Authorizing The Applicant To Obtain A Franchise In The City Of Hindman, Knott County, Kentucky*, Case No. 2011-00293 at 2 (Ky. P.S.C. August 16, 2011).

[u]nless exercised within one (1) year from the grant thereof, exclusive of any delay due to the order of any court or failure to obtain any necessary grant or consent, the authority conferred under the certificate of convenience and necessity shall be void, but the beginning of any new construction or facility in good faith within the time prescribed by the commission and the prosecution thereof with reasonable diligence shall constitute an exercise of authority under the certificate.

6. Kentucky Power's negotiations with the city of Hindman regarding the franchise and its intent to submit a bid when timely under the ordinance is analogous to the beginning of any new construction and good faith prosecution thereof, and constitutes the exercise by Kentucky Power of its authority under the Certificate of Public Convenience and Necessity.

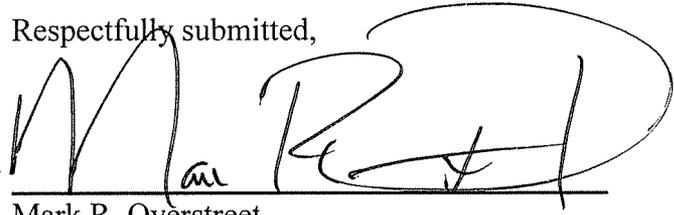
7. Alternatively, if the Commission concludes that the Company has yet to exercise its authority under the Certificate of Public Convenience and Necessity, Kentucky Power requests an extension through and including October 31, 2012 in which to bid on the franchise.

Wherefore, Kentucky Power Company respectfully requests that the Commission enter an Order:

1. Declaring that Kentucky Power has exercised its authority under the Commission's August 16, 2011 Order granting the Company a Certificate of Public Convenience and Necessity to bid on the city of Hindman franchise;

2. An extension through and including October 31, 2012 in which to bid on the franchise.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', written over a horizontal line. The signature is stylized and cursive.

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