

COMMONWEALTH OF KENTUCKY  
BEFORE THE ENERGY REGULATORY COMMISSION

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In the Matter of

THE APPLICATION OF KENTUCKY POWER )  
COMPANY FOR A CERTIFICATE OF CON- )  
VENIENCE AND NECESSITY AUTHORIZING ) CASE NO. 8037  
THE APPLICANT TO OBTAIN A FRANCHISE )  
IN THE CITY OF WHITESBURG, LETCHER )  
COUNTY, KENTUCKY )

O R D E R

On the 17th day of November, 1980, Kentucky Power Company filed with the Commission its application seeking a certificate of convenience and necessity to qualify it to bid on an electric franchise from the City of Whitesburg, Letcher County, Kentucky. Under the provisions of KRS 278.020(3) no utility may apply for a franchise from any governmental agency until it has obtained a certificate of convenience and necessity from this Commission based on our finding that there is a need and demand for the service sought to be rendered.

A hearing in this matter was held in the Commission's offices at Frankfort, Kentucky on December 10, 1980.

The Commission FINDS that Kentucky Power Company and its predecessor (Kentucky and West Virginia Power Company) have provided electric service in the City of Whitesburg, Letcher County, Kentucky since 1922 and that there is a need and demand for such service in the 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 validity of 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.

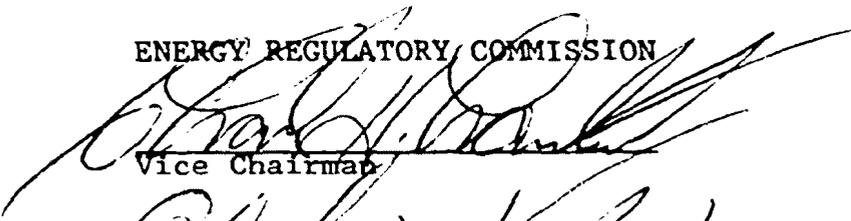
IT IS THEREFORE ORDERED That Kentucky Power Company be and it hereby is granted a certificate of convenience and necessity which authorizes it to bid on an electric franchise in the City of Whitesburg, Letcher County, Kentucky.

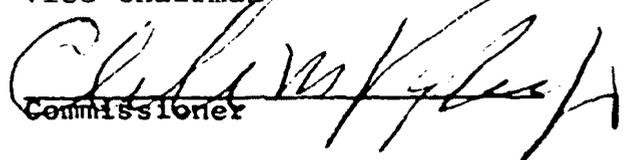
IT IS FURTHER ORDERED That Kentucky Power Company, if it becomes the successful bidder, file with this Commission a copy of the said franchise.

IT IS FURTHER ORDERED That this Order shall not be construed as granting a certificate of convenience and necessity to construct utility facilities in said City.

Done at Frankfort, Kentucky, this 9th day of January, 1981.

ENERGY REGULATORY COMMISSION

  
Vice Chairman

  
Commissioner

ATTEST:

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Secretary