

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

APPLICATION OF SOUTH KENTUCKY)	
RURAL ELECTRIC COOPERATIVE)	
CORPORATION FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	CASE NO. _____
AUTHORIZING IT TO BID ON A)	
FRANCHISE ESTABLISHED BY THE CITY)	
OF ALBANY, KENTUCKY)	

APPLICATION

The Applicant, South Kentucky Rural Electric Cooperative Corporation (“SKRECC”), respectfully applies to the Kentucky Public Service Commission (“Commission”) for a Certificate of Public Convenience and Necessity authorizing it to bid on a franchise established by the City of Albany, Kentucky, and in support states as follows:

1. SKRECC is a distribution cooperative engaged in the sale of electric power at retail rates to members in Pulaski, Wayne, McCreary, Cumberland, Lincoln, Rockcastle, Casey, Russell, Laurel, Clinton, and Adair counties in Kentucky and Pickett and Scott counties in Tennessee.
2. Pursuant to 807 KAR 5:001 Section 14(1), SKRECC’s Post Office address is P.O. Box 910, Somerset, KY 42502, and its electronic mail address for purposes of this matter is kypscinfo@skrecc.com.

3. Pursuant to 807 KAR 5:001 Section 14(2), SKRECC states that it was incorporated in the Commonwealth of Kentucky on October 13, 1938, and attests that it is currently in good standing with the Kentucky Secretary of State.
4. The City of Albany, Kentucky (the "City") has solicited bids on a new franchise for the provision of electric service to its service territory pursuant to resolution or ordinance and duly advertised, a copy of which is attached hereto as Exhibit A.
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 SKRECC is uniquely qualified and capable of providing the requested electric service because of the proximity of its current distribution facilities to those of the City, and as such desires to obtain a franchise in accordance with the bidding protocol established by the City.
6. Should SKRECC be successful in acquiring said franchise, it will file copies thereof with the Commission.
7. Because the terms of the City's bid require prospective bidders to respond by August 12, 2020, SKRECC requests that the Commission afford this Application expedited treatment such that an Order approving the requested CPCN be entered on or before August 12, 2020.

WHEREFORE, South Kentucky RECC respectfully requests that the Commission enter an Order granting it a Certificate of Public Convenience and Necessity authorizing it to bid for and acquire the aforementioned franchise from the City of Albany on or before August 12, 2020.

Dated this 31st day of July, 2020.

Respectfully submitted,



Mark David Goss
GOSS SAMFORD, PLLC
2365 Harrodsburg Road, Suite B-325
Lexington, Kentucky 40504
(859) 368-7740
mdgoss@gosssamfordlaw.com

Counsel for South Kentucky RECC

**ORDINANCE NO. 2020-06-25-1
ELECTRIC FRANCHISE BID ORDINANCE**

AN ORDINANCE PROVIDING FOR THE SALE OF A FRANCHISE TO BE CREATED BY THE CITY OF ALBANY, KENTUCKY, AUTHORIZING THE SALE OF ELECTRIC SERVICES IN ALL AREAS WITHIN THE PRESENT AND FUTURE CITY LIMITS.

WHEREAS, the Constitution of the Commonwealth of Kentucky, Sections 163 and 164, and Chapter 96 of the Kentucky Revised Statutes, authorize municipal corporations to require public utilities, including providers of electricity within their boundaries, to operate under franchise agreements and to grant utilities the right to use public rights-of-way on such terms and conditions as are deemed reasonable and necessary; and further authorized to exercise any and all powers within its boundaries that are not in conflict with the Kentucky Constitution or state statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALBANY, KENTUCKY THAT:

SECTION I. AUTHORIZATION OF FRANCHISE BID.

The Mayor of the City of Albany, Kentucky, is hereby authorized and directed to offer for public sale an Electric Franchise to the highest and best bidder.

Such Franchise, as subsequently created by City Ordinance, shall authorize and empower the highest and best bidder thereof with the right, authority, privilege and franchise to erect, construct, operate, use and maintain a system of electric lines and to maintain any necessary and appropriate equipment and facilities for the transmission and distribution of electric service upon, across, and along highways, streets, avenues, roads, alleys, lanes, ways, utility easements, parkways and other public grounds in the present or future corporate limits of the City of Albany, Kentucky.

SECTION II. MINIMUM REQUIREMENTS FOR SUBMISSION OF BID.

Before a bid is accepted by the Mayor, each bidder must submit the following:

A bid agreeing to pay to the City of Albany, Kentucky a minimum rate of five (5%) percent per month per meter for customers being served within the corporate limits of the City of Albany.

SECTION III. TERM OF FRANCHISE.

The Franchise, when created, and the rights thereunder, shall be granted, take effect and be enforced from and after the effective date as required by law and upon the acceptance by the successful bidder, and shall continue in full force and effect for a term of fifteen (15) years, subject, however, to the requirement that the successful bidder of said Franchise, its heirs and assigns, shall conform to the provisions of said Franchise.

In the event that any provision of the Franchise as subsequently created shall be violated, or there shall exist a noncompliance for a continuous period of six (6) months, the City at its option may declare said Franchise null and void and of no force and effect.

SECTION IV. EXERCISE OF FRANCHISE.

All electric lines, necessary facilities and equipment constructed, maintained and operated by virtue of the Franchise shall be constructed, maintained and operated with all applicable engineering practices, and in full accord with any and all applicable engineering codes governing engi-

In the event the City, acting by and through its Council, shall elect to accept a bid, they shall accept the "highest and best bid" made, and in the event and at the meeting to which said bid may be accepted, the City shall thence create and enact an ordinance creating the Franchise in accordance with Kentucky Statute. The Franchise shall contain and be subject to the following terms and conditions, in addition to other applicable terms and conditions, as follows:

(1) The Grantee of said franchise shall become and remain liable to the City of Albany, Kentucky, or any agency, commission or board thereof, for loss of damage which may result from a failure of the Grantee to exercise ordinary care in installing, maintaining and operating the electric distribution system of other facilities used in connection with said system. Said Grantee shall likewise be liable to any person or persons who may sustain damages as a result of any injury to the property or person of said person or persons by a failure of the Grantee to exercise ordinary care such construction, maintenance or operation or other activities incidental to the business of said Grantee when using any public thoroughfares, streets, alleys or other public places.

(2) Said Grantee shall indemnify, protect, save and hold harmless the City of Albany, Kentucky, or any of its agencies, commissions, boards or officers while acting in an official capacity, against any claim or claims for damages to property and injury or death to persons, including employees of such Grantee, of any personal injury as fixed and defined by the Worker's Compensation Law of the State of Kentucky resulting from such failure of the Grantee to exercise ordinary care in such construction, maintenance or operation of such electric distribution system.

(3) As a means of providing such indemnity, the Grantee shall secure and maintain in full force and effect at all times while operating under any powers conferred by such Franchise, a policy or policies of liability insurance indemnifying the City, or any agency, board, commission of private employee or official of the City while acting in any official capacity, against all loss, damage or liability therefor on account of damage or destruction of property to the extent of \$1,000,000.00 (One Million Dollars), and as to any single person in an amount not less than \$1,000,000.00 (One Million Dollars), and as to any one accident resulting in liability on account of injury or death of one or more persons, and including destruction of property by reason thereof in an amount not less than \$5,000,000.00 (Five Million Dollars). In addition, and in like manner, the Grantee shall secure and maintain in full force and effect at all times while operating under any powers conferred by such Franchise, full benefits to all employees of said Grantee, to the extent fixed and provided by the Worker's Compensation Law of the State of Kentucky.

A bid agreeing to pay to the City of Albany, Kentucky a minimum rate of five (5%) percent per month per meter for customers being served within the corporate limits of the City of Albany.

The said Grantee shall be required to submit an annual audit or review of financial records as they relate to the Franchise, conducted by a Certified Public Accountant. The audit or review shall be due within 150 days of Bidder's year-end.

The said Grantee shall submit a copy of Public Service Commission regulations as related to interruptions in service, as well as a copy of a curtailment plan as required and approved by the PSC.

SECTION XI. USE OF PUBLIC PROPERTY.

The Franchise, when and if created, shall authorize and empower the Grantee thereof to make such further use of public streets, thoroughfares and other public ways of the

City as may be required or necessary from time to time in providing construction, maintenance and operation of the electric distribution system.

SECTION XII. USE OF FRANCHISE FEES.

Proceeds derived from the franchise fee imposed hereunder shall be used for the purpose of the regulation and administration of said franchise; for repairing Of maintaining city streets or rights-of-way; and for the regulation and administration of providing for the general health, safety, and welfare of the citizens of Albany, Kentucky as related to City rights-of-way.

SECTION XIII. EFFECTIVE DATE OF FRANCHISE ORDINANCE.

The resulting Franchise ordinance shall be in full force and effect upon adoption, when signed by the Mayor, or when not signed by the Mayor within ten (10) days of adoption and attested by the City Clerk/Treasurer of the City of Albany, Kentucky, and upon publication as required by Kentucky Statute.

ADOPTED AND APPROVED at a duly convened meeting of the Albany City Council held this the 7th day of July, 2020.

APPROVED:

(Signed)

LYLE G. PIERCE, MAYOR

ATTEST:

(Signed)

MELISSA P. SMITH

City Clerk/Treasurer

FIRST READING: June 25, 2020

SECOND READING: July 7, 2020

PUBLICATION: July 23, 2020

NOTICE

COMMONWEALTH OF KENTUCKY
CLINTON COUNTY FISCAL COURT

AUTHORIZING RESOLUTION

Adoption of a Resolution of the Clinton County Fiscal Court ("County") authorizing the filing of a Coronavirus Relief Fund ("CRF") Application for Reimbursement of Incurred Expenses in CRF Funds with the Department for Local Government ("DLG"); Authorizing and Directing the County Judge / Executive to Execute any Documents which are deemed necessary by DLG to Reimburse County; and authorizing the Judge / Executive to act as the Authorized Correspondent for Reimbursement

Notice is hereby given by the Fiscal Court of Clinton County, Kentucky, that on June 10, 2020, the above summarized Resolution was approved and adopted by said Court. The full text of the above referenced Resolution is available for public inspection in the Clinton County, Kentucky Clerk's Office.

RICKY L. CRAIG (Signed)

CLINTON COUNTY JUDGE EXECUTIVE

CERTIFICATION:

I, Michael A. Rains, Clinton County Attorney, do hereby certify that I prepared the foregoing Resolution Summary and that same is a true and correct summary of

The Authorizing Resolution, Resolution all on this the 29th day of June, 2020.

MICHAEL A. RAINS (Signed)

CLINTON COUNTY ATTORNEY



neering professions, and in accordance with any applicable Statutes of the Commonwealth of Kentucky and the Rules and Regulations of the Kentucky Public Service Commission Of any other governmental regulatory agency having jurisdiction over the successful bidder. Said facilities shall be so constructed as not to interfere with the drainage; interfere with or injure any street, sewer or other public improvement which said City has heretofore made or may hereafter make in, upon, across, along or under any highway, street, avenue, road, lane, way, utility easement, parkway or other public grounds; Of unnecessarily obstruct or impede such highway, street, avenue, road, lane, way, utility easement, parkway or other public ground of the City.

SECTION V. ADVERTISEMENT FOR BIDS.

Notice of the Electric Franchise Bid shall be advertised in the local newspaper for at least 21 days prior to the bid opening. The notice shall be advertised again 7 to 14 days prior to the bid opening. Bids shall be submitted as provided for in Section VI herein.

SECTION VI. SUBMISSION OF BIDS.

All bids must be delivered by hand or by certified mail to the office of the Mayor no later than 4:00 P.M. CST on the twenty-first day after the first publications of bid notice and of this ordinance, being Wednesday, July 22, 2020.

The address to which the bids must be submitted is:

**CITY OF ALBANY
OFFICE OF THE MAYOR
204 CROSS STREET
P.O. BOX 96
ALBANY, KENTUCKY 42602**

SECTION VII. OPENING OF BIDS.

The Mayor shall open appropriately submitted bids on Thursday, August 13, 2020, at 10:00 A.M. Central Standard Time in the Mayor's Office.

SECTION VIII. REVIEW OF SUBMITTED BIDS.

Subsequent to the bid opening, the Mayor and City Clerk/Treasurer shall review, study, research, and evaluate bids submitted, as well as the company or persons submitting said bids.

The Mayor shall then make recommendations and suggestions concerning submitted bids, based on the financial stability and reputation of bidders as well as on the amounts of bids and franchise fee percentages, to the City Council at a special called session to be set by the Mayor or at a regular session of said Council.

SECTION IX. CITY'S RIGHTS OF REJECTION.

The City of Albany, acting by and through its Council, shall have the right to reject any and/or all submitted bids.

SECTION X. ACCEPTANCE OF BID.

Invitation to Bid

The Clinton County Soil and Water Conservation District is now accepting bids for a trade in on a 10 ft. John Deere No-Till Drill, 1590 Model with 7.5 inch row spacing, steel gauge wheels and 2 seed boxes (one large and one small). Bids will be awarded based upon best overall value. We reserve the right to reject any and all bids.

Due to the current health pandemic, all bids must be received by either mail or email at the following by 4:30 p.m. on 8/27/20: 801 C Tennessee Road, Albany, KY 42602 or clintoncountyconservation@gmail.com.

Bids will be publicly opened at the Zoom meeting on 8/28/20 at 9 a.m.

For further information, contact us at 606-387-5196


HOME - 20'X25' METAL GARAGE - 1987 BUICK REGAL - PERSONAL PROPERTY

ABSOLUTE AUCTION


SATURDAY AUGUST 1st 10:00 A.M. 2020 CENTRAL

Sale Site Location: From the Bypass in Albany, Ky take Hwy 127 North, turn West on Hwy. 90 and travel 0.6 miles. Turn North on Hwy. 127 and travel 3.9 miles. Turn West on Blue Ridge Road and travel 410 ft. Watch for Auction Signs!

KNOWN AS THE HOWARD AND JEANNIE RUTH SPARS ESTATE



22'X20' BUILDING



70'X25' METAL BUILDING


69 BLUE RIDGE ROAD ALBANY, KY

Three bedroom home offers kitchen, dining room, living room, and bathroom. RECC High efficiency electric thermal storage unit. 20'X25' metal detached garage, and 22'X20' building.


PERSONAL PROPERTY

Craftsman table top vise, Homelite blower, small lawn mower trailer, pocket knives (including Boker, Camillus, Rob-T, Kjaas, Sabre), cope saw, hack saw, work lights, gas can, aluminum step ladder, aluminum extension ladder, come-a-long, blower, misc. nuts and bolts, wood tool box, misc. wood boards, misc. lawn mower blades, misc. push mower wheels, adjustable wrench, tin snips, hammers, screwdrivers, vise grips, Stanley measuring tape, skill saw, Black & Decker 1/2 inch electric drill, antique oil can, antique fan, misc. C-clamps, wooden miter box, pitch forks, rakes, garden hose, crowbars, 4 foot wooden level, Salsall, Black & Decker table top grinder, files, brace and bit, live trap, table lamps, floor lamps, crock pot, chair, small Dirt Devil hand vacuum, "The Last Supper" wall plate, small heaters, baskets, picnic table, blow dryer, pressure cooker, globe, window fan, floor lamps, Ashley wood stove, Bissel vacuum, chairs, Whirlpool washing machine, dryer, deep freeze, refrigerator, Magic Chef stove, microwave, hand made quilts, misc pots and pans, small white china cabinet, Oak desk, chest of drawers, bed, dresser with mirror, hospital bed, hospital bed side table, Epson printer, EdenPure heater, Hoover carpet cleaner, General Electric record player, misc. picture frames, recliner, walker with seat, shoe rack, and many more items to numerous to mention.

Near Lake Cumberland
2.3 miles to Ryan Landing
0.8 miles to Crater Hill
Rock Resort
0.9 miles to Wolf Creek Dam



1987 BUICK REGAL



1000 GROSS WEIGHT

NEAL REALTY AND AUCTION: 10% Down Day of Sale. Items due as of before September 11, 2020. PERSONAL PROPERTY NOTICE: Cash or good check. All information herein was obtained from sources believed to be reliable however, accuracy is not guaranteed. Title to bidding, prospective purchasers are invited to inspect to their satisfaction any and all properties being offered to this auction. All properties subject to "As Is" basis, surface and subsurface. Property is sold subject to any right of way, or easements, recorded or unrecorded, all governmental laws. Any of said title proceedings over all prior subdivisions. Home was built before 1978 and may or may not contain lead based paint. Potential buyers shall have 10 days prior to date of auction to inspect items. Buyer will be required to sign a lead based paint waiver form.

10% Buyers Premium will be added to the Winning Bid of Real Estate & Personal Property to Determine the Sales Price.

NEAL REALTY AND AUCTION

520 E. Rd. Albany, Ky 42602 Phone: (606) 387-7187

"FOR A REAL DEAL, SEE COL. NEAL"

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In the event that any provision of the Franchise as subsequently created shall be violated, or there shall exist a noncompliance for a continuous period of six (6) months, the City at its option may declare said Franchise null and void and of no force and effect.

SECTION IV. EXERCISE OF FRANCHISE.

All electric lines, necessary facilities and equipment constructed, maintained and operated by virtue of the Franchise shall be constructed, maintained and operated with all applicable engineering practices, and in full accord with any and all applicable engineering codes governing engineering professions, and in accordance with any applicable Statutes of the Commonwealth of Kentucky and the Rules and Regulations of the Kentucky Public Service Commission Of any other governmental regulatory agency having jurisdiction over the successful bidder. Said facilities shall be so constructed as not to interfere with the drainage; interfere with or injure any street, sewer or other public improvement which said City has heretofore made or may hereafter make in, upon, across, along or under any highway, street, avenue, road, lane, way, utility easement, parkway or other public grounds; Of unnecessarily obstruct or impede such highway, street, avenue, road, lane, way, utility easement, parkway or other public ground of the City.

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SECTION VI. SUBMISSION OF BIDS.

All bids must be delivered by hand or by certified mail to the office of the Mayor no later than 4:00 P.M. EDT on the twenty-first day after the first publications of bid notice and of this ordinance, being Wednesday, April 8, 2020.

The address to which the bids must be submitted is:

CITY OF ALBANY
OFFICE OF THE MAYOR
204 CROSS STREET
P.O. BOX 96
ALBANY, KENTUCKY 42602

SECTION VII. OPENING OF BIDS.

The Mayor shall open appropriately submitted bids on Thursday, April 9, 2020, at 10:00 A.M. Eastern Time in the Mayor's Office.

SECTION VIII. REVIEW OF SUBMITTED BIDS.

Subsequent to the bid opening, the Mayor and City Clerk/Treasurer shall review, study, research, and evaluate bids submitted, as well as the company or persons submitting said bids.

The Mayor shall then make recommendations and suggestions concerning submitted bids, based on the financial stability and reputation of bidders as well as on the amounts of bids and franchise fee percentages, to the City Council at a special called session to be set by the Mayor or at a regular session of said Council.

SECTION IX. CITY'S RIGHTS OF REJECTION.

The City of Albany, acting by and through its Council, shall have the right to reject any and/or all submitted bids.

SECTION X. ACCEPTANCE OF BID.

In the event the City, acting by and through its Council, shall elect to accept a bid, they shall accept the "highest and best bid" made, and in the event and at the meeting to which said bid may be accepted, the City shall thence create and enact an ordinance creating the Franchise in accordance with Kentucky Statute. The Franchise shall contain and be subject to the following terms and conditions, in addition to other applicable terms and conditions, as follows:

(1) The Grantee of said franchise shall become and remain liable to the City of Albany, Kentucky, or any agency, commission or board thereof, for loss of damage which may result from a failure of the Grantee to exercise ordinary care in installing, maintaining and operating the electric distribution system of other facilities used in connection with said system. Said Grantee shall likewise be liable to any person or persons who may sustain damages as a result of any injury to the property or person of said person or persons by a failure of the Grantee to exercise ordinary care such construction, maintenance or operation or other activities incidental to the business of said Grantee when using any public thoroughfares, streets, alleys or other public places.

(2) Said Grantee shall indemnify, protect, save and hold harmless the City of Albany, Kentucky, or any of its agencies, commissions, boards or officers while acting in an official capacity, against any claim or claims for damages to property and injury or death to persons, including employees of such Grantee, of any personal injury as fixed and defined by the Worker's Compensation Law of the State of Kentucky resulting from such failure of the Grantee to exercise ordinary care in such construction, maintenance Of operation of such electric distribution system.

(3) As a means of providing such indemnity, the Grantee shall secure and maintain in full force and effect at all times while operating under any powers conferred by such Franchise, a policy or policies of liability insurance indemnifying the City, or any agency, board, commission of private employee or official of the City while acting in any official capacity, against all loss, damage Of liability therefor on account of damage or destruction of property to the extent of \$1,000,000.00 (One Million Dollars), and as to any single person in an amount not less than \$1,000,000.00 (One Million Dollars), and as to any one accident resulting in liability on account of injury or death of one or more persons, and including destruction of property by reason thereof in an amount not less than \$5,000,000.00 (Five Million Dollars). In addition, and in like manner, the Grantee shall secure and maintain in full force and effect at all times while operating under any powers conferred by such Franchise, full benefits to all employees of said Grantee, to the extent fixed and provided by the Worker's Compensation Law of the State of Kentucky.

(4) A bid agreeing to pay to the City of Albany, Kentucky a minimum rate of five (5%) percent per month per meter for customers being served within the corporate limits of the City of Albany.

(5) The said Grantee shall be required to submit an annual audit or review of financial records as they relate to the Franchise, conducted by a Certified Public Accountant. The audit or review shall be due within 150 days of Bidder's year-end.

(6) The said Grantee shall submit a copy of Public Service Commission regulations as related to interruptions in service, as well as a copy of a curtailment plan as required and approved by the PSC.

SECTION XI. USE OF PUBLIC PROPERTY.

The Franchise, when and if created, shall authorize and empower the Grantee thereof to make such further use of public streets, thoroughfares and other public ways of the City as may be required or necessary from time to time in providing construction, maintenance and operation of the electric distribution system.

SECTION XII. USE OF FRANCHISE FEES.

Proceeds derived from the franchise fee imposed hereunder shall be used for the purpose of the regulation and administration of said franchise; for repairing Of maintaining city streets or rights-of-way; and for the regulation and administration of providing for the general health, safety, and welfare of the citizens of Albany, Kentucky as related to City rights-of-way.

SECTION XIII. EFFECTIVE DATE OF FRANCHISE ORDINANCE.

The resulting Franchise ordinance shall be in full force and effect upon adoption, when signed by the Mayor, or when not signed by the Mayor within ten (10) days of adoption and attested by the City Clerk/Treasurer of the City of Albany, Kentucky, and upon publication as required by Kentucky Statute.

ADOPTED AND APPROVED at a duly convened meeting of the Albany City Council held this the ____ day of June, 2020.

APPROVED



LYLE G. PIERCE, MAYOR

ATTEST:



MELISSA P. SMITH

City Clerk/Treasurer

FIRST READING: June 25, 2020

SECOND READING: July 7, 2020

PUBLICATION: July , 2020