

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE)	
ENERGY KENTUCKY, INC. FOR A)	Case No. 2020-00329
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO BID ON A FRANCHISE)	
TO SERVE THE CITY OF ERLANGER,)	
KENTUCKY)	

APPLICATION

Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), pursuant to KRS 278.020(4), 807 KAR 5:001, Section 15(1), 807 KAR 5:001, Section 14 and other applicable law, and tenders hereby its application for a certificate of public convenience and necessity to apply for and obtain a franchise from the city of Erlanger, in Kenton County, Kentucky (Erlanger or City), to provide electricity and natural gas transmission and distribution service, respectfully stating as follows:

1. Duke Energy Kentucky is a Kentucky corporation, originally incorporated on March 20, 1901, that is in good standing and operating as a combined electric and natural gas utility serving approximately 240,000 customers in six Kentucky counties. Duke Energy Kentucky's business address is 139 East Fourth Street, Cincinnati, Ohio 45202 and its local address is 1262 Cox Road, Erlanger, Kentucky 41018. The Company's email address is KyFilings@duke-energy.com. Duke Energy Kentucky held a franchise for the use of the City streets, alleys and public grounds to provide electricity and natural gas

transmission and distribution facilities and services within the territorial limits of Erlanger. However, that franchise has expired.

2. Duke Energy Kentucky proposes to bid upon a new municipal franchise to place electric and natural gas transmission and distribution facilities in public streets and places of Erlanger and to provide related service to Erlanger. The new franchise will be awarded by the Erlanger City Council.

3. The Erlanger City Council has passed an Ordinance setting forth the requirements and deadlines for submitting a bid to secure a new franchise. Erlanger has directed that bids shall be received on or before October 23, 2020. A copy of the Ordinance is attached hereto as Exhibit A and incorporated herein by reference. A copy of the Legal Notice was published by Erlanger regarding said new franchise is attached hereto as Exhibit B and incorporated herein by reference.

4. As evidenced by the Ordinance, there is, and will continue to be, a demand and need for the facilities and services sought to be rendered by Duke Energy Kentucky pursuant to the franchise.

5. Upon obtaining a franchise from Erlanger, Duke Energy Kentucky will file a true and correct copy of same with the Commission.

WHEREFORE, on the basis of the foregoing, Duke Energy Kentucky respectfully requests that the Commission to approve this application and to issue to Duke Energy Kentucky a certificate of public convenience and necessity authorizing it to apply for and obtain a franchise from Erlanger, as set forth herein.

This the 13th day of October 2020.

Respectfully submitted,

/s/Rocco D'Ascenzo

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MUNICIPAL ORDER NO. 08.04.20.01

A MUNICIPAL ORDER OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AUTHORIZING A REQUEST FOR BIDS FOR THE AWARD OF A TEN (10) YEAR NON-EXCLUSIVE FRANCHISE FROM THE CITY FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS IN THE CITY FOR THE TRANSMISSION AND DISTRIBUTION OF EITHER OR BOTH NATURAL GAS AND ELECTRICITY THROUGH AND FOR CONSUMPTION WITHIN THE CITY

WHEREAS, both Duke Energy Kentucky, Inc. ("Duke Energy") and the Owen County Rural Electric Cooperative (OCREC) are public utilities subject to the provisions of Sections 163 and 164 of the Kentucky Constitution and K.R.S. 96.010 through 96.045; and

WHEREAS, Sections 163 of the Kentucky Constitution prohibits public utilities from using the streets, alleys and other public grounds within a city without a franchise from the city for that use; and

WHEREAS, pursuant to Erlanger ordinances No. 2431 and No. 2432, both of which are incorporated herein by reference, the City of Erlanger (City) has established a non-exclusive franchise for the use of the streets, alleys and public grounds of the City for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City, with an effective period of three (3) years after the grant and award of the franchise

WHEREAS, both Duke Energy and OCREC now use the streets, alleys and public grounds of the City for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City pursuant to non-exclusive franchises from the City, the effective period of which expired on June 30, 2019, but for which the utilities in writing extended indefinitely until a new franchise could be created; and no other utility provides for such transmission and distribution of electricity and natural gas;

NOW, THEREFORE, for the purpose of continuing to provide for the transmission and distribution of both electricity and natural gas through and for consumption within the City, the executive authority of the City is hereby authorized and directed to solicit and advertise for bids for non-exclusive franchises for the use of the streets, alleys and public grounds of the City of Erlanger for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City, the effective period of which begins at midnight on November 1, 2020 and expires at midnight on October 31, 2030.



JESSICA FETTE, Mayor



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Notice Content

The City of Erlanger is accepting bids for the use of the public streets, alleys, and other public grounds in the City for the transmission and distribution of either or both natural gas and electricity through and for consumption within the City. Bid information may be viewed in full on our website at www.erlangerky.gov or at 505 Commonwealth Avenue, Erlanger, KY 41018, [859-727-2525](tel:859-727-2525).
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