

**BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

In the Matter of:

**ELECTRONIC APPLICATION OF OWEN ELECTRIC)
COOPERATIVE, INC. FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY) CASE NO. 2020-00335
AUTHORIZING THE BID ON A FRANCHISE TO)
SERVE THE CITY OF ERLANGER, KENTUCKY)**

APPLICATION

Comes now the Applicant, Owen Electric Cooperative, Inc. (“Owen Electric” or “Applicant”) by and through counsel, pursuant to KRS 278.020(4) and 807 KAR 5:001, Sections 14, 15(1), and related sections, and for its Application requesting that the Public Service Commission (“Commission”) enter an Order on or before October 30, 2020 granting a Certificate of Public Convenience and Necessity (“CPCN”) to bid for and continue a franchise from the City of Erlanger (“City”), respectfully states as follows:

Pursuant to 807 KAR 5:001, Section 14(1), Applicant’s mailing address is Owen Electric Cooperative, Inc., P.O. Box 400, 8205 Highway 127 North, Owenton, Kentucky 40359. The electronic mailing address of Applicant is psc@owenelectric.com.

Owen Electric states that it incorporated in the Commonwealth of Kentucky, on June 8, 1937, and attests that it is in good standing with the Commonwealth of Kentucky.

Pursuant to 807 KAR 5:001, Section 15(1)(a)2, the name of the governmental agency offering the franchise is the City of Erlanger, Kentucky.

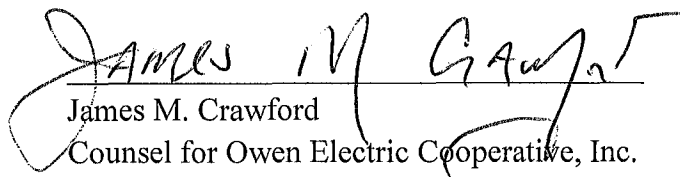
Pursuant to 807 KAR 5:001, Section 15(1)(a)3, the type of franchise offered by the City is outlined in Municipal Order No. 08.04.20.01, provided as Exhibit A to this Application, and in its Legal Notice, provided as Exhibit B to this Application.

Pursuant to 807 KAR 5:001, Section 15(1)(a)4, 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 Owen Electric desires to obtain a franchise in accordance with the bidding protocol established by the City.

Pursuant to 807 KAR 5:001, Section 15(1)(b), if Owen Electric is successful in acquiring said franchise, it shall file a copy thereof with the Commission using the electronic tariff filing system.

WHEREFORE, Owen Electric Cooperative, Inc. respectfully requests that the Commission enter an Order on or before October 30, 2020 granting a Certificate of Public Convenience and Necessity ("CPCN") to bid for and acquire an electric franchise from the City of Erlanger.

Dated at Owenton, Kentucky, this 20th day of October, 2020.

A handwritten signature in black ink that reads "James M. Crawford". The signature is written in a cursive style and is positioned above a horizontal line.

James M. Crawford
Counsel for Owen Electric Cooperative, Inc.
Crawford & Baxter, P.S.C.
P.O. Box 353
Carrollton, Kentucky 41008
Phone: (502) 732-6688
Fax: (502) 732-8303
Jcrawford@cbkylaw.com

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

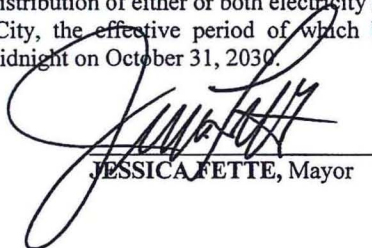
WHEREAS, both Duke Energy Kentucky, Inc. ("Duke Energy") and the Owen County Rural Electric Cooperative (OCREC) are public utilities subject to the provisions of Sections 163 and 164 of the Kentucky Constitution and K.R.S. 96.010 through 96.045; and

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 Publish Date:
Tuesday, October 06, 2020

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.
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