## BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of:

# APPLICATION OF KENTUCKY UTILITIES COMPANY)FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND)NECESSITY AUTHORIZING KU TO BID ON A)CASE NO. 2020-00348FRANCHISE ESTABLISHED BY THE CITY OF)MANCHESTER, KENTUCKY)

### APPLICATION

The Applicant, Kentucky Utilities Company ("KU"), respectfully states as follows:

1. The Post Office address of the principal office of Applicant is 220 West Main Street, Louisville, Kentucky 40202. KU is a Kentucky corporation authorized to do business in the Commonwealth of Kentucky.

2. KU is a utility engaged in the business of supplying electric service in and to various cities and the inhabitants thereof within the Commonwealth of Kentucky, and has conducted such business for a number of years. The instant filing is made in accordance with Section 278.020(5) of the Kentucky Revised Statutes.

3. Receipt of the requested certificate will allow KU to pursue its bid on a new franchise for which the City of Manchester, Kentucky (the "City") has solicited bids pursuant to resolution or ordinance and advertisement, a copy of which is attached hereto as Exhibit A.

4. A certified copy of KU's Articles of Incorporation is already on file with the Commission in Case No. 2010-00204 and is incorporated herein by reference pursuant to 807 KAR 5:001, Section 14(2)(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 KU desires to obtain a franchise in accordance with the bidding protocol established by the City.

6. Should KU be successful in acquiring said franchise, it will file copies thereof with the Commission.

WHEREFORE, Kentucky Utilities Company asks that the Commission enter an Order granting to KU a Certificate of Public Convenience and Necessity to bid for and acquire a franchise from the City on or before November 10, 2020.

Dated at Louisville, Kentucky, this 22nd day of October, 2020.

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Allyson K. Sturgeon Senior Corporate Attorney Kentucky Utilities Company 220 West Main Street Louisville, Kentucky 40202 (502) 627-2088

Exhibit A

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[See Attached]

### COMMONWEALTH OF KENTUCKY CITY OF MANCHESTER

### Ordinance #2020.09.21.03

### AN ORDINANCE CREATING A FRANCHISE FOR FURNISHING SELLING AND MAINTAINING ELECTRICITY; AND PROVIDING FOR THE SALE OF SAID FRANCHISE

WHEREAS, the City of Manchester ("City") wishes to ensure that electric service continues to be furnished to its citizens in a reliable and efficient manner;

WHEREAS, the City is aware that the provision of such service requires the continued use of public streets, ways, alleys and other places,

WHEREAS, the franchise granted to and acquired by Kentucky Utilities Company on February 19, 2001, under which that utility provided such service, will expire by its terms; February 19, 2021.

WHEREAS, the City. Wishes to provide for the sale of a new franchise for the benefit of its citizenry, giving effect to Section 96.010 of the Kentucky Revised Statues;

NOW THEREFORE, BE IT ORDAINED by the City of Manchester as follows:

Section One. An exclusive franchise ("Franchise") to use the City's public rights-of-way, as described in the Franchise Agreement attached to this Ordinance, is hereby created.

Section Two. The Franchise created by this Ordinance shall be bid in accordance with the applicable requirements of the Constitution of the Commonwealth of Kentucky and Chapter 424 of the Kentucky Revised Statues, us well as any applicable City ordinances.

Section Three. The Franchise created by this Ordinance shall be awarded to the highest and best bidder as shall be determined by the City in its sole discretion. In awarding the Franchise, the City shall consider the technical, managerial, and financial qualifications of the bidder to perform its obligations under the Franchise. Section Four. The winning bidder and the City shall negotiate, execute and be bound by a Franchise Agreement with terms identical to, or substantially identical to, the Franchise Agreement referenced in <u>Section One</u> above and attached hereto, such Agreement to contain terms "that are fair and reasonable to the City, to the purchaser of the Franchise and to the patrons of the utility" (KRS Section 96.010). Such Franchise Agreement shall become effective with the first billing cycle on or after the expiration of the existing franchise Agreement, to allow the City and the winning bidder to develop appropriate procedures for identifying and reviewing the electric-consuming entities within the City's corporate limits.

Section Five. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repeated.

Section Six. Should any section, clause, line, paragraph, or part of this Ordinance or the attached Agreement be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance or the attached Agreement, as applicable.

Section Seven. Time is of the essence in carrying out the terms and the provisions of this Ordinance and the Franchise created herein.

Section Eight, This Ordinance shall become effective from and after its passage and publication.

NOW THEREFORE, BE IT SO ORDAINED BY THE CITY OF MANCHESTER on this the 6<sup>th</sup> day of October 2020.

ATTEST:	YEÁS	NAVS
Barbara Colter	X	<u></u>
Russell Gregory	X	
Deanne Hensley-Absent		anarang satu
Darnell Hipsher	X	
Betty Meredith	x	

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Earl Owens	X	
Penny Robinson-Absent		
Traci White	X	

James Ed Garrison Mayoh Sarah Gregory, City Clerk

Date of First Reading: September 23, 2020

Date of Second Reading: October 6, 2020

Date Adopted: October 14, 2020





### NOTICE OF SALE OF FRANCHISE

By virtue of an urdinance hereofore peaced by the Council of the City of Manchester, Kentucky, threeting the alcoritorment fite bids and setting of a franchise to use cortain attents, alleys, and public grounds of the City of Manchester, Kentucky fire the purpose of owning, operating, equipping and maintaining as yater to the transmission and distribution of electricity errorger. The City Clerk of Manchester will an Nixember 16, 2020, at a about 600 pm, and a public used in the highest bidky at City Bill of Manchester, a franchise fire the purposes en out, Said franchise is more particularly described and fully defined in proposed ordinance defines and said proposed ordinance defines. Letters and countiliarou game takes and all he made, the full test of which is available for impection in the office of the diambeises. (F) [Creft, 207, Cherk Streek, Manchester, Kentucky, Line Arabiester, Sentus, Hand anarmary is no follows: ORDINANC's 2020/02/10,5 AM ORDINANC'E ESTABLISHICA ARANCHISK AD DESTRUENTED TO THE TRANSMISSION AND DISTRUENTION OF ELECTRICAL INERGOV, AND THE PROVISION OF BIG AND ESTABLISHICA ARANS HIRS FORCE SERVED BY KENTUCKY UTILITY COMPANY. Markas THEFEORGE SERVED BY KENTUCKY UTILITY COMPANY. Stath Gregory, City Clerk.



10.31.2020

Publication Date



(LEFI) Senate President **ROBERT STIVERS**, Chairman and CEO of Forcht Group of Kentucky, **TERRY FORCHT** and Kentucky Chamber Director of Political Affairs **TERAVIS BURTON**.

### **Kentucky Chamber of Commerce** presents MVP award to Senator

Senate President Robert Stivers was in Corbin Friday to receive the Kentucky Chamber of Commerce's 2020 MVP Award for his efforts in Frankfort to make the Commonwealth more business friendly. Presenting the award to President Stivers on behalf of the Kentucky Chamber was

Director of Political Afairs Travis Burton. Also helping with the presen Chairman and CEO of the Forcht Group of Kentucky, Mr. Terry Forcht. sentation was

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[See Attached]

# Commonwealth of Kentucky Michael G. Adams, Secretary of State

Michael G. Adams Secretary of State P. O. Box 718 Frankfort, KY 40602-0718 (502) 564-3490 http://www.sos.ky.gov

**Certificate of Existence** 

Authentication number: 225108 Visit <u>https://app.sos.ky.gov/ftshow/certvalidate.aspx</u> to authenticate this certificate.

I, Michael G. Adams, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State.

# **KENTUCKY UTILITIES COMPANY**

is a corporation duly incorporated and existing under KRS Chapter 14A and KRS Chapter 271B, whose date of incorporation is August 17, 1912 and whose period of duration is perpetual.

I further certify that all fees and penalties owed to the Secretary of State have been paid; that Articles of Dissolution have not been filed; and that the most recent annual report required by KRS 14A.6-010 has been delivered to the Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 7<sup>th</sup> day of January, 2020, in the 228<sup>th</sup> year of the Commonwealth.



michael D. Edam

Michael G. Adams Secretary of State Commonwealth of Kentucky 225108/0028494