

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF DUKE)
ENERGY KENTUCKY, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE) CASE NO. 2021-00137
AND NECESSITY TO BID ON A FRANCHISE)
TO SERVE THE CITY OF ALEXANDRIA,)
KENTUCKY)

APPLICATION

Comes now Duke Energy Kentucky, Inc. (“Duke Energy Kentucky” or “Company”), by counsel, 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 franchises from the city of Alexandria, in Campbell County, Kentucky (“Alexandria”), 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 Alexandria. However, that franchise has expired.
2. Duke Energy Kentucky proposes to bid upon new municipal franchises to place electric and natural gas transmission and distribution facilities in public streets and places of Alexandria and to provide related service to Alexandria. The new franchises will be awarded by the Alexandria City Council.
 3. The Alexandria City Council has passed Ordinances setting forth the requirements and deadlines for submitting a bid to secure new franchises. Alexandria has directed that bids shall be received on or before Saturday, May 15, 2021. A copy of the Ordinance for the electric franchise is attached hereto as Exhibit A and incorporated herein by reference. A copy of the Ordinance for the natural gas franchise is attached hereto as Exhibit B. A copy of the Legal Notices that were published by Alexandria regarding said new franchises are attached hereto as Exhibit C and incorporated herein by reference.
 4. As evidenced by the Ordinances, 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 franchises from Alexandria, 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 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 Alexandria, as set forth herein.

This the 29th day of March, 2021.

Respectfully Submitted,

L. Allyson Honaker

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L. Allyson Honaker
Goss Samford, PLLC
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Suite B-325
Lexington, Kentucky 40504
(859) 368-7740
David@gosssamfordlaw.com
Allyson@gosssamfordlaw.com

and

Rocco O. D'Ascenzo
Duke Energy Business Services, LLC
139 East Fourth Street/1303-Main
P.O. Box 960 Cincinnati, OH 45202
(513) 287-4320
Rocco.D'Ascenzo@duke-energy.com

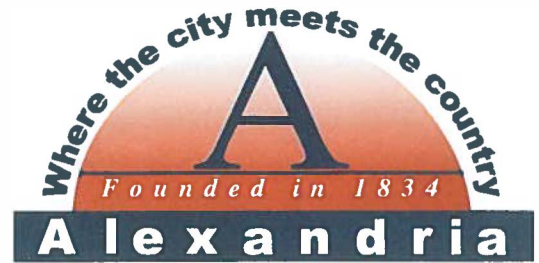
Counsel for Duke Energy Kentucky, Inc.

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, this is to certify that the electronically filed documents are true and accurate copies of the same documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on March 29, 2021; that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means; and that the original versions of the documents transmitted electronically will be filed with the Commission in paper medium within thirty days of the state of emergency for COVID-19 being lifted.

L. Allyson Honaker

Counsel for Duke Energy Kentucky, Inc.



**City of Alexandria
Administration**
8236 West Main Street
Alexandria, KY 41001
Phone 859.635.4125
Fax 859.635.4127
www.alexandriaky.org

Andy Schabell
Mayor

**Joe Anderson
Tom Baldrige
Stacey Graus
W. David Hart
Steven Shinkle
Kyle Sparks**
Councilpersons

Jan Johannemann
City Clerk

Jo Ann Hackworth
City Treasurer

**City of Alexandria
Police Department**
8236 West Main Street
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Phone 859.635.4126
Fax 859.635.4123

Lucas T. Cooper
Police Chief

**Alexandria Fire
Department**
P.O. Box 97
7951 Alexandria Pike
Alexandria, KY 41001
Phone 859.635.5991
Fax 859.635.5999

Jeff Pohlman
Fire Chief

March 10, 2021

Ms. Cara Brooks
Duke Energy
139 East Fourth Street 1409M
Cincinnati, OH 45202

Re: City of Alexandria Electric Franchise

Dear Ms. Brooks,

On February 18, 2021, Alexandria City Council passed Ordinance 2021-03 creating a non-exclusive franchise for electric transmission and distribution facilities, and providing for the sale of said franchise. Attached, for your records, is a copy of Ordinance 2021-02, along with a copy of the Affidavit from the Kentucky Enquirer showing publication in the local Campbell County Recorder.

Section 2 of this ordinance states "the franchise shall be bid in accordance with applicable requirements of the Constitution of the Commonwealth of Kentucky and Ch. 424 of the Kentucky Revised Statutes." As such, we are inviting you to submit a bid. Please return bids to this office as soon as it is available. If you have any questions, please do not hesitate to contact me.

Sincerely,

Jan Johannemann
City Clerk

Enclosure



ORDINANCE 2021-02

AN ORDINANCE OF THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, CREATING A NON-EXCLUSIVE FRANCHISE FOR THE ERECTION, LAYING OPERATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES AND APPURTENANT EQUIPMENT IN, ALONG AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF ALEXANDRIA, KENTUCKY: FOR FURNISHING AND SELLING ELECTRICITY BY MEANS OF SAID FACILITIES; AND PROVIDING FOR THE SALE OF SAID FRANCHISE.

WHEREAS, the City of Alexandria ("City") wishes to ensure that electricity continues to be available 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 public places;

WHEREAS, the franchise granted to and acquired by the current franchisee under which it provides such electric service has or will expire;

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 Statutes;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1: A competitive non-exclusive franchise ("Franchise") to use the City's public rights-of-way, public streets, ways, alleys and other public places for the purpose of the erection, laying, operation and maintenance of electric transmission and distribution facilities and appurtenant equipment is hereby created.

SECTION 2: 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 Statutes, as well as any applicable City Ordinances.

SECTION 3: 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 bidders to perform their obligations under the Franchise. The winning bidder shall include provisions for the collection of a franchise fee from its customers equal to 0% of the cost of the

ORIGINAL

electricity, to be remitted to the City; and that the City reserves the right to increase the franchise fee at any time upon prior ninety (90) days written notice to the winning bidder. Should the City exercise said right to increase the franchise fee, the City shall receive a monthly payment of up to five percent (5%) of gross receipts per month from the winning bidder's sale of electricity (which includes businesses, industrial facilities and dwellings) inside the City's corporate limits beginning with the first billing cycle on or after the later of ninety (90) days after the date of the written notice or the effective date of the franchise fee specified in the City's notice.

SECTION 4: The winning bidder and the City shall negotiate, execute and be bound by Franchise Agreements to contain terms that are fair and reasonable to the City, to the purchasers of the Franchise and to the patrons of the utilities, pursuant to KRS Section 96.010. Such Franchise Agreements shall take effect upon execution and according to the terms of the Agreements.

SECTION 5: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6: Should any section, clause, line, paragraph, or part of this Ordinance 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 7: Time is of the essence in carrying out the terms and the provisions of this Ordinance and the Franchise created herein.

SECTION 8: This Ordinance shall become effective from and after its passage and publication.

SECTION 9: The foregoing Ordinance was read, passed and adopted by the Council of the City of Alexandria, Kentucky, meeting in regular session on the 4th day of February, 2021, and in regular session on the 18th day of February, 2021, with 6 yes votes, 0 no votes, and 0 abstentions, and was ordered published in summary according to law.

APPROVED:

By: 
MAYOR ANDY SCHABELL

ATTEST:


CITY CLERK JAN JOHANNEMANN

PUBLISHED: 2/25/2021

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Jan Johannemann
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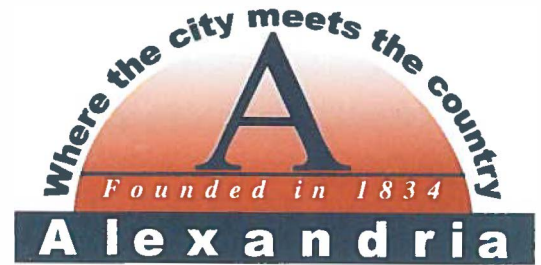
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Jeff Pohlman
Fire Chief



March 10, 2021

Ms. Cara Brooks
Duke Energy
139 East Fourth Street 1409M
Cincinnati, OH 45202

Re: City of Alexandria Gas Franchise

Dear Ms. Brooks,

On February 18, 2021, Alexandria City Council passed Ordinance 2021-03 creating a non-exclusive franchise for natural gas transmission and distribution facilities, and providing for the sale of said franchise. Attached, for your records, is a copy of Ordinance 2021-03, along with a copy of the Affidavit from the Kentucky Enquirer showing publication in the local Campbell County Recorder.

Section 2 of this ordinance states "the franchise shall be bid in accordance with applicable requirements of the Constitution of the Commonwealth of Kentucky and Ch. 424 of the Kentucky Revised Statutes." As such, we are inviting you to submit a bid. Please return bids to this office as soon as it is available. If you have any questions, please do not hesitate to contact me.

Sincerely,


Jan Johannemann
City Clerk

Enclosure



ORDINANCE 2021-03

AN ORDINANCE OF THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, CREATING A NON-EXCLUSIVE FRANCHISE FOR THE ERECTION, LAYING OPERATION AND MAINTENANCE OF NATURAL GAS TRANSMISSION AND DISTRIBUTION FACILITIES AND APPURTENANT EQUIPMENT IN, ALONG AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF ALEXANDRIA, KENTUCKY; FOR FURNISHING AND SELLING NATURAL GAS SERVICES AND PRODUCTS BY MEANS OF SAID FACILITIES; AND PROVIDING FOR THE SALE OF SAID FRANCHISE.

WHEREAS, the City of Alexandria ("City") wishes to ensure that natural gas service continues to be available 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 public places;

WHEREAS, the franchise granted to and acquired by the current franchisee under which it provides such natural gas service has or will expire;

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 Statutes;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1: A competitive non-exclusive franchise ("Franchise") to use the City's public rights-of-way, public streets, ways, alleys and other public places for the purpose of the erection, laying, operation and maintenance of natural gas transmission and distribution facilities and appurtenant equipment is hereby created.

SECTION 2: 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 Statutes, as well as any applicable City Ordinances.

SECTION 3: 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 bidders to perform their obligations under the Franchise. The winning bidder shall include provisions for the collection of a franchise fee from its customers equal to zero percent (0%) of the cost of the gas, to be remitted to the city, and that the City reserves the right to increase the franchise fee at any time upon prior ninety (90) days written notice to the winning bidder. Should

the City exercise said right to increase the franchise fee, the City shall receive a monthly payment of up to five percent (5%) of gross receipts per month from the winning bidder's sale of natural gas (which includes businesses, industrial facilities and dwellings) inside the City's corporate limits beginning with the first billing cycle on or after the later of ninety (90) days after the date of the written notice or the effective date of the franchise fee specified in the City's notice.

SECTION 4: The winning bidder and the City shall negotiate, execute and be bound by Franchise Agreements to contain terms that are fair and reasonable to the City, to the purchasers of the Franchise and to the patrons of the utilities, pursuant to KRS Section 96.010. Such Franchise Agreements shall take effect upon execution and according to the terms of the Agreements.

SECTION 5: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6: Should any section, clause, line, paragraph, or part of this Ordinance 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 7: Time is of the essence in carrying out the terms and the provisions of this Ordinance and the Franchise created herein.

SECTION 8: This Ordinance shall become effective from and after its passage and publication.

SECTION 9: The foregoing Ordinance was read, passed and adopted by the Council of the City of Alexandria, Kentucky, meeting in regular session on the 4th day of February, 2021 and in regular session on the 18th day of February, 2021, with 6 yes votes, 0 no votes, and 0 abstentions, and was ordered published in summary according to law.

APPROVED:

By: 
MAYOR ANDY SCHABELL

ATTEST:


CITY CLERK JAN JOHANNEMANN

PUBLISHED: 2/25/2021



Advertiser:

CITY OF ALEXANDRIA
8236 W MAIN ST

ALEXANDRIA KY 41001

RECEIVED MAR 01 2021

LEGAL NOTICE
ATTACHED

This is not an invoice
Account #:CIN-141256
Total Cost of the Ad \$16.08
Last Run Date: 02/25/2021

of Affidavits 1

AFFIDAVIT OF PUBLICATION

Newspaper: CIN-CR KY Campbell Enq Bundle

State of Wisconsin

RE: Order # 0004610730

I, [Signature]
of the The Enquirer, a newspaper printed in Cincinnati, Ohio and published in Cincinnati, in said County and State, and of general circulation in said county, and as to the Kentucky Enquirer published in Ft. Mitchell, Kenton County, Kentucky, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper times, once in each issue as follows:

CITY OF ALEXANDRIA
NOTICE OF INTERNET WEBSITE
PUBLICATION
ORDINANCES ADOPTION
LEGAL AD

On February 18, 2021, the City of Alexandria adopted Ordinance 2021-02 to create a non-exclusive electric transmission franchise; and Ordinance 2021-03 to create a non-exclusive natural gas transmission franchise. You may read the full Ordinances on the City's website at: <http://alexandriaky.org/legal-ads-bids/CAM,feb25,'21#4610730>

02/25/2021

.....
[Signature]

Subscribed and sworn to before me this
25th day of February, 2021

[Signature]
Notary Public

10.13.24
Commission expires



