

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. 2022-00329
AND NECESSITY TO BID ON A FRANCHISE)
TO SERVE THE CITY OF GLENCOE,)
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 a franchise from the city of Glencoe, in Gallatin County, Kentucky (“Glencoe”), to provide 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 natural gas transmission and

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

2. Duke Energy Kentucky proposes to bid upon a new municipal franchise to place natural gas transmission and distribution facilities in public streets and places of Glencoe and to provide related service to Glencoe. The new franchise will be awarded by the Glencoe City Council.
3. The Glencoe City Council has passed an Ordinance setting forth the requirements and deadlines for submitting a bid to secure a new franchise. Glencoe has directed that bids shall be received by October 10, 2022. A copy of the Ordinance for the natural gas franchise is attached hereto as Exhibit A and incorporated herein by reference. A copy of the Legal Notice that was published by Glencoe 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 Glencoe, 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 Glencoe, as set forth herein.

This the 28th day of September, 2022.

Respectfully Submitted,



L. Allyson Honaker
HONAKER LAW OFFICE, PLLC
1795 Alysheba Way
Suite 6202
Lexington, Kentucky 40509
(859) 368-8803
allyson@hloky.com

and

Rocco O. D'Ascenzo
Larisa M. Vaysman
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
Larisa.Vaysman@duke-energy.com

Counsel for Duke Energy Kentucky, Inc.

ORDINANCE NO. 2021 - 0003

AN ORDINANCE OF THE CITY OF GLENCOE, GALLATIN COUNTY, KENTUCKY, GRANTING AND OFFERING FOR SALE A 20 YEAR FRANCHISE TO PLACE GAS TRANSMISSION AND DISTRIBUTION FACILITIES IN PUBLIC STREETS AND PLACES IN THE CITY

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GLENCOE, GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1. The City hereby grants and offers for sale to the successful bidder, its successors and assigns, a franchise, consent, right, and privilege for a period of 20 years starting from the date of acceptance of the bid of the successful bidder, to construct, reconstruct, lay, erect, extend, operate, maintain, repair, replace, adjust, and remove (collectively called install or installation) mains, pipes, regulators, apparatus, fixtures, and equipment for the transmission and distribution of gas (collectively called facilities) within, along, over, under and across the public streets, alleys, ways, places, lands, and grounds of the City (collectively called public property). Such transmission and distribution shall include the transmission and distribution of gas into, thru, and out of the City. The successful bidder is hereby authorized to open public property of the City and shall not encumber public property by temporary obstructions or excavations any longer than shall be necessary in the accomplishment of such purposes, and upon completion of such work, the successful bidder shall restore such property as near as practicable to its former condition. If the successful bidder shall neglect to restore any public property to its former condition or to repair the same after ten (10) days' written notice from the Mayor, then the Council of the City may cause such work to be done and all expenses involved by such work shall be borne by the successful bidder.

If during the franchise period the City constructs or relocates public property, sewer lines, water lines, or any public property, and such construction or relocation cannot be reasonably accomplished without interference with the facilities of the successful bidder, the successful bidder shall, within a reasonable time after receiving reasonable notice from the Mayor move or relocate the same within the public property so as not to interfere therewith; but the successful bidder shall not be required to terminate any services provided by its facilities. Where such moving or relocation of the successful bidder's facilities is required, the successful bidder's right to be reimbursed for such removal or relocation will be determined by the applicable law concerning reimbursement on the basis of governmental and proprietary activities of the City or any then current law.

SECTION 2. The successful bidder shall defend and indemnify the City against any suit or claim for any expense or liability whatsoever by reason of the sole negligence of the successful bidder arising out of the construction, maintenance, or operation of its facilities.

SECTION 3. The word City means the City of Glencoe, Gallatin County, Kentucky, its successors and assigns, as it now exists or as changed through annexation, reduction of its boundaries, merger, consolidation, or other similar proceedings.

SECTION 4. The City Clerk is hereby directed to advertise, as provided by law, for bids for this franchise, such bids to be received by City Council at its regular meeting to be held at 7 pm. on the 12th day of July 2021, bids shall be sealed and marked "Bid for Gas Franchise", and shall be opened by City Council at such regular meeting.

SECTION 5. This ordinance and the bid accepted by the City Council shall take effect and be in force from and after the earliest period allowed by law, and upon passage of the Ordinance accepting the bid, shall become a binding contract according to its terms between the City and the successful bidder.

SECTION 6. Franchise Fee. Franchisee shall pay to the City within thirty (30) days after the end of each Calendar Quarter a Franchise fee equal to three and a half percent (3.5%) of the gross receipts of the Franchisee from the sale of natural gas for consumption within the City during the previous Calendar Quarter ("Franchise Fee"), along with a certification signed by an officer of the Franchisee or a Certified Public Accountant employed by or on behalf of the Franchisee indicating the quarter's gross receipts, payment calculation, and any necessary gross-ups for collections by the Franchisee. The Franchise Fee required hereby is not in substitution or in lieu of any other tax, fee, imposition, or charge for which the Franchisee would otherwise be responsible and liable. The Franchise Fee required hereby is in consideration of the use of the public streets, alleys, and other public grounds within the City by the Franchisee pursuant to the provisions of the Franchise hereby established, since such use is a valuable right in property, the acquisition and maintenance of which is very expensive to the City; and, without such use, the Franchisee would be required to acquire easements on private property for the transmission and distribution of either or both electricity and natural gas, at considerable expense to the Franchisee.

Section 7 - EFFECTIVE DATE.

This Ordinance shall be effective upon its adoption and approval according to law and publication thereafter.

Section 8.

All Ordinances or parts of any Ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

The foregoing Ordinance was read, passed and adopted by the Council of the City of Glencoe, Kentucky, meeting in Regular Session on the 12th day of July 2021, and in Regular Session on the 14th day of June, 2021, with 6 yes votes, 0 no votes, and abstentions, and was ordered published in summary according to law.

APPROVED:



MAYOR Mike Hampton

ATTEST:



Paula Giles, Clerk

**Gallatin County News
P.O. Box 435
Warsaw, Kentucky**

AFFIDAVIT

The affiant, Denny Kelley Warnick, publisher or proprietor of the Gallatin County News, Warsaw, Kentucky, after being duly sworn and cautioned does depose and states the following:

That the Gallatin County News is a newspaper printed and published in the State of Kentucky and of general circulation in the County of Gallatin.

That the attached Legal Notice was duly published in the Gallatin County News on September 14, 2022.

Done at Warsaw, Kentucky, this 20th day of September, 2022.

STATE OF KENTUCKY
COUNTY OF GALLATIN

Subscribed and sworn to before me by Denny K Warnick, this 20th day of September 2022, at Warsaw, Gallatin County, Kentucky.

Kelley Warnick
Notary Public

My commission expires
September 19th, 2024

site sary

...emorated
...ents dur-
...weekend in

...ield now
...more than
...and the
...e nineteen
...cal hiking
...rty-seven
...arkers.

...t of these
...ille is gen-
...ed as one
...interpreted
...iefields in
...ates.

...can Battle-
...cently ac-
...Perryville
...intact/pris-
...or conflict
...ar.

...nformation
...ille Battle-
...storic Site,
...nniversary,
...edia press
...t <https://perryville/160th-battle-per-war-reen->

...is home to
..., including
...rks and 13
...For more
...about Ken-
...Parks, visit

...egins
...y will qual-
...al aid should
...FSA. Rules



Waiting for candy

As usual, there were plenty of children lined up on Main Street, Friday, waiting for candy to be thrown from those participating coming Parade. Photo by Kelley Warnick

Public Notices

PUBLIC NOTICE:
The public will take notice that the undersigned has qualified as the Executor of the estate of Loretta Mae Poland, deceased. All persons indebted to, will make payment to, and all persons having claims upon said estate will make their claims as required by law.

Sandra Faye Brown
965 Ky Hwy. 16
Glencoe, Ky 41046
38-1c

PUBLIC NOTICE:
The public will take notice that the undersigned has qualified as the Executor of the estate of Clifford Higgins, deceased. All persons indebted to, will make payment to, and all persons having claims upon said estate will make their claims as required by law.

Faye Biddle
921 Hwy 455

rate as shall be reasonably estimated to insure full reimbursement to the city for the cost of any additional policing, regulatory or administrative expenses relating to this chapter.

(C) Payment of the regulatory license fee shall accompany tax returns approved for use by the City ABC Administrator, submitted to the City Clerk by the twentieth day of the month following the quarter for the preceding quarter's sales. There shall be a quarterly credit equal to one-fourth of the original initial license cost, representing the pro rata portion of the initial license cost for which provision is made in this chapter.

(D) Failure to pay the quarterly remittance within ten days after the due date shall constitute a violation of this chapter, and in addition, shall constitute grounds for an immediate 30-day

Lee Myers
100 Myers-Newman Rd.
Warsaw, Ky 41095
38-1c

PUBLIC NOTICE:
The City of Glencoe is accepting bids for gas franchise within the corporate limits of Glencoe. The City will be accepting bids through Monday, September 26th at 5 p.m. Bids will be opened publicly at the October 10, 2022 meeting. The City of Glencoe has the right to reject any and all bids.

37-2c

PUBLIC NOTICE:
**COMMISSIONER'S SALE
GALLATIN CIRCUIT COURT,
CASE NO. 22-CI-00010
TOWD POINT MASTER
FUNDING TRUST 2021-PM1
PLAINTIFF
VERSUS)
MICHAEL L. MASON, et al
DEFENDANTS
NOTICE OF SALE**
By virtue of a judgment and order

and cov
ways an
Said pro
purpose of
ment de
plaintiff
togethe
TERM:
be sold
pay all
cash, a
purcha
after d
granted
purcha
and sa
stituted
author
tucky
Master
office
the sa
ter C
of its
the sa