

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY**

In the Matter of:

Electronic Application Of Kentucky Power        )  
Company For A Certificate of Public                )  
Convenience And Necessity Authorizing The     ) Case No. 2022-00399  
Applicant To Apply For And Obtain A             )  
Franchise From The City Of Allen In Floyd       )  
County, Kentucky                                     )

**APPLICATION**

Kentucky Power Company applies to the Public Service Commission of Kentucky pursuant to KRS 278.020(4) and 807 KAR 5:001, Section 15(1) for a Certificate of Public Convenience and Necessity authorizing the Company to apply for and obtain a franchise to use the streets and rights-of-way of the City of Allen, located in Floyd County, Kentucky, for the provision of retail electric service, and in support thereof states:

APPLICANT

1. Kentucky Power was incorporated in 1919 under the laws of the Commonwealth of Kentucky and is in good standing in the Commonwealth.<sup>1</sup> The Company’s mailing address is 1645 Winchester Avenue, Ashland, Kentucky 41101. Its electronic mail address is [kentucky\\_regulatory\\_services@aep.com](mailto:kentucky_regulatory_services@aep.com) . Kentucky Power is engaged in the generation, purchase, transmission, distribution and sale of electric power.

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<sup>1</sup> A certified copy of the Company’s Articles of Incorporation and all amendments thereto was attached to the Joint Application in *In the Matter Of: The Joint Application Of Kentucky Power Company, American Electric Power Company, Inc. And Central And South West Corporation Regarding A Proposed Merger*, P.S.C. Case No. 99-149. The Company’s November 15, 2022 Certificate of Existence is attached as **EXHIBIT 1**.

2. The Company serves approximately 165,000 retail customers in the following 20 counties of eastern Kentucky: Boyd, Breathitt, Carter, Clay, Elliott, Floyd, Johnson, Knott, Lawrence, Leslie, Letcher, Lewis, Magoffin, Floyd, Morgan, Owsley, Perry, Pike, and Rowan. In addition, the Company also supplies electric power at wholesale to other utilities and municipalities in Kentucky for resale. Kentucky Power is a utility as that term is defined at KRS 278.010.

### Public Convenience And Necessity

3. The Company currently is rendering, and for a number of years has been rendering, retail electric service in and to the City of Allen in Floyd County, Kentucky.

4. The provision of retail electric service in and to the City of Allen requires that Kentucky Power place its facilities on, under, above, and along the streets, alleys, public grounds, and rights of way, or otherwise make use of the streets, alleys, public grounds, and rights of way, of the City of Allen.

5. The public convenience and necessity requires that Kentucky Power continue to provide retail electric service to and in the City of Allen. The City of Allen lies within the certified territory of Kentucky Power, as that term is defined in Chapter 278 of the Kentucky Revised Statutes, and such as Kentucky Power possesses the exclusive right to provide retail electric service in and to the City of Allen. KRS 278.018(1).

6. Kentucky Power's existing franchise to place its facilities on, under, above, and along the streets, alleys, public grounds, and rights of way, or otherwise make use of the streets,

alleys, public grounds, and rights of way, of the City of Allen for the purpose of providing retail electric service expires March 2, 2023.

7. The Company desires to bid for a franchise to use the streets, alleys, public grounds, and rights of way of the City of Allen for the provision of retail electric service to and in the City of Allen.

8. If successful in obtaining a franchise from the City of Allen, Kentucky Power will file a copy of the franchise with the Commission using the Commission's electronic tariff filing system.

### **Communications**

9. Kentucky Power respectfully requests that communications in this matter be delivered to:

Katie M. Glass  
Stites & Harbison PLLC  
[kglass@stites.com](mailto:kglass@stites.com)

Hector Garcia Santana  
[hgarcia1@aep.com](mailto:hgarcia1@aep.com)

Kentucky Power Company  
[Kentucky\\_regulatory\\_services@aep.com](mailto:Kentucky_regulatory_services@aep.com)

Kentucky Power and the persons indicated above possess the facilities to receive electronic transmissions. Kentucky Power waives service by United States mail.

Wherefore Kentucky Power Company respectfully requests that the Public Service Commission of Kentucky issue an Order:

(a) Granting the Company a certificate of public convenience and necessity authorizing Kentucky Power to bid upon and obtain a franchise from the City of Allen, Floyd County, Kentucky to use the streets, alleys, public grounds and rights of way to provide retail electric service in the city; and

(b) Granting the Company all further relief to which it may appear entitled.

Respectfully submitted,



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Katie M. Glass  
STITES & HARBISON PLLC  
421 West Main Street  
P.O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: (502) 223-3477  
[kglass@stites.com](mailto:kglass@stites.com)

COUNSEL FOR  
KENTUCKY POWER COMPANY

**Exhibit 1**

**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: 281018

Visit <https://web.sos.ky.gov/ftshow/certvalidate.aspx> 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 POWER COMPANY**

is a corporation duly incorporated and existing under KRS Chapter 14A and KRS Chapter 271B, whose date of incorporation is July 21, 1919 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 15<sup>th</sup> day of November, 2022, in the 231<sup>st</sup> year of the Commonwealth.



*Michael G. Adams*

Michael G. Adams  
Secretary of State  
Commonwealth of Kentucky  
281018/0028317