

**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. 2023-00068
AUTHORIZING THE BID ON A FRANCHISE TO)
SERVE THE CITY OF WALTON, 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 April 3, 2023 granting a Certificate of Public Convenience and Necessity (“CPCN”) to bid for a franchise from the City of Walton (“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 9, 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 Walton, Kentucky.

Pursuant to 807 KAR 5:001, Section 15(1)(a)3, the type of franchise offered by the City is outlined in Ordinance No. 2022-001, provided as Exhibit A to this Application, and in its Legal

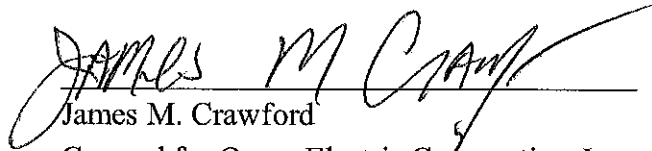
Notice, provided as Exhibit B to this Application. Executive Order No. 2023-001, provided as Exhibit C to this Application, directs that bids shall be received by 12:00 p.m. on April 4, 2023.

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 granting a Certificate of Public Convenience and Necessity ("CPCN") to bid for and acquire an electric franchise from the City of Walton.

Dated at Owenton, Kentucky, this 27th day of February, 2023.



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

ORDINANCE 2022-01

AN ORDINANCE OF THE CITY OF WALTON, 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 WALTON, KENTUCKY: FOR FURNISHING AND SELLING ELECTRICITY BY MEANS OF SAID FACILITIES; AND PROVIDING FOR THE SALE OF SAID FRANCHISE.

WHEREAS, the City of Walton (“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 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: If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION 7: Time is of the essence in carrying out the terms and the provisions of this Ordinance and the Franchise created herein.

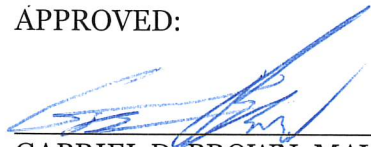
SECTION 8: This Ordinance shall become effective from and after its passage and publication.

SECTION 9: This ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY 5 OF 6 MEMBERS OF CITY COUNCIL ON THE 11th DAY OF January, 2022.


PASSED AND APPROVED ON SECOND READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 8th DAY OF February, 2022.

APPROVED:



GABRIEL D. BROWN, MAYOR

ATTEST:



GEVANA HICKS, CITY CLERK

DATE OF PUBLICATION: March 3, 2022



Advertiser:

CITY OF WALTON
40 N MAIN ST

WALTON KY 41094

**LEGAL NOTICE
ATTACHED**

This is not an invoice
Account #: CIN-342532
Total Cost of the Ad \$27.28
Last Run Date: 03/03/2022

of Affidavits 1

AFFIDAVIT OF PUBLICATION

Newspaper: CIN-CR KY Boone Enq Bundle

State of Wisconsin

RE: Order # 0005147963

I, Nicole Jacobs
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 dated as follows:

03/03/2022

**CITY OF WALTON
NOTICE OF INTERNET WEBSITE
PUBLICATION
ORDINANCES ADOPTION
LEGAL AD**

On February 8, 2022, the City of Walton adopted the following Ordinances: **Ordinance 2022-01** to adopt an Electric Franchise for the City; and **Ordinance 2022-02** to adopt a Gas Franchise for the City. You may read the full Ordinances on the City's website at: <https://cityofwalton.org>. The public has the right to inspect and obtain a copy of any document associated with the posting by contacting the Walton City Clerk at 40 N. Main St., Walton, KY 41094, telephone # 859-485-4383. This advertisement was paid for by the City of Walton, Kentucky, using taxpayer dollars in the amount of \$ 27.28.
/s/Gevana Hicks
Gevana Hicks, City Clerk
BCR, March 3, '22# 5147963

Nicole Jacobs
Subscribed and sworn to before me this
3th day of March, 2022

Nancy Heyrman
Notary Public

5.15.23

Commission expires

**NANCY HEYRMAN
Notary Public
State of Wisconsin**



CONFIRMATION

CITY OF WALTON
 40 N MAIN ST
 WALTON KY 41094-

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>PO#</u>	<u>Payment Amount</u>	<u>Amount Due</u>
CIN-342532	0005227687	\$30.52	\$0.00	\$30.52	Credit Card		\$0.00	\$30.52

Sales Rep: AMHardy **Order Taker:** AMHardy **Order Created:** 04/21/2022

<u>Product</u>	<u>Placement/Classification</u>	<u># Ins</u>	<u>Start Date</u>	<u>End Date</u>
CIN-CR KY Boone Enq Bundle	CIN-Public/Legal Notices	1	04/28/2022	04/28/2022
CIN-EN Cincinnati.com	CINW-Publi/Legal Notices	1	04/28/2022	04/28/2022

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Text of Ad: 04/21/2022

CITY OF WALTON
 NOTICE OF INTERNET
 WEBSITE PUBLICATION
 ORDINANCES ADOPTION
 LEGAL AD
 On April 12, 2022, the City of
 Walton adopted the follow-
 ing Ordinances: Ordinance
 2022-04 to amend the City's
 Personnel Policies Employe-
 ee Handbook for Paid Time
 Off Leave, and Sick Leave;
 and Ordinance 2022-05 to
 modify the amounts of compen-
 sation for the City's fu-
 ture elected officials. You
 may read the full Ordinan-
 ces on the City's website at:
<https://cityofwalton.org>. The
 public has the right to in-
 spect and obtain a copy of
 any document associated
 with the posting by contact-
 ing the Walton City Clerk at
 40 N. Main St., Walton, KY
 41094, telephone # 859-485-
 4383. This advertisement
 was paid for by the City of
 Walton, Kentucky, using
 taxpayer dollars in the
 amount of \$30.52.
 /ss/**Gevana Hicks**
 Gevana Hicks, City Clerk
 BCR, Apr. 28, '22# 5227687

**CITY OF WALTON, KENTUCKY
EXECUTIVE ORDER NO. 2023-01**

**AN EXECUTIVE ORDER OF THE MAYOR OF WALTON,
KENTUCKY, SETTING THE DEADLINE FOR GAS AND
ELECTRIC FRANCHISE BIDS'S.**

WHEREAS, the City of Walton has adopted Ordinance 2022-01 and Ordinance 2022-02 which created nonexclusive competitive electric and natural gas franchises (“Franchises”) respectively, to use the City’s public rights-of-way, public streets, ways, alleys and other public places in order to facilitate the provision of electric and natural gas services and products;

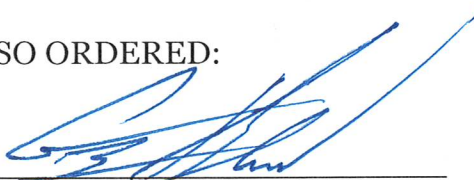
WHEREAS, Ordinances 2022-01 and 2022-02 further provided that the Franchises created by the Ordinances shall be bid in accordance with the applicable requirements of the Constitution of the Commonwealth of Kentucky and Chapter 424 of the Kentucky Revised Statutes, as well as any applicable City Ordinances;

WHEREAS, the City advertised for natural gas franchise bids by publishing Ordinances 2022-01 and 2022-02 according to law and now is setting the bid return deadline for the Franchises.

NOW THEREFORE, IT IS HEREBY ORDERED by the Mayor of the City of Walton Kentucky, that all bids for the electric and natural gas Franchises shall be submitted to and be received by the City Clerk on or before 12:00 pm noon on the 4th day of April, 2023 at the City Building, 40 North Main Street, Walton, Kentucky 41094.


Done this 21st day of February, 2023.

SO ORDERED:



GABRIEL D. BROWN, Mayor

ATTEST:



GEVANA HICKS, City Clerk