

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 Applicant To Apply For) Case No. 2023-00106
And Obtain A Franchise From The City Of Warfield)
In Martin 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 an Order **to be issued on or before April 26, 2023** 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 Warfield, located in Martin 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.¹ The Company’s mailing address is 1645 Winchester Avenue, Ashland, Kentucky 41101. Its electronic mail address is kentucky_regulatory_services@aep.com . Kentucky Power is engaged in the generation, purchase, transmission, distribution and sale of electric power.

¹ 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 March 30, 2023 Certificate of Existence is attached as **EXHIBIT 1**.

2. The Company serves approximately 163,000 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 Warfield in Martin County, Kentucky.

4. The provision of retail electric service in and to the City of Warfield 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 Warfield.

5. The public convenience and necessity requires that Kentucky Power continue to provide retail electric service to and in the City of Warfield. The City of Warfield 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 Warfield. 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 Warfield for the purpose of providing retail electric service expires June 25, 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 Warfield for the provision of retail electric service to and in the City of Warfield. Kentucky Power respectfully requests the Commission issue its Order on or before April 26, 2023 granting the Company a certificate of public convenience and necessity so that it may bid for the required franchise on April 27, 2023.

8. If successful in obtaining a franchise from the City of Warfield, 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

Hector Garcia Santana
hgarcia1@aep.com

Kentucky Power Company
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 on or before April 26, 2023:

(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 Warfield, Martin 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,



Katie M. Glass
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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: 288619

Visit <https://web.sos.ky.gov/ftsshow/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 30th day of March, 2023, in the 231st year of the Commonwealth.



Michael G. Adams

Michael G. Adams
Secretary of State
Commonwealth of Kentucky
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