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)And Obtain A Franchise From The City Of Martin In)Floyd County, Kentucky)

Case No. 2023-00342

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 October 23, 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 Martin, 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.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 October 11, 2023 Certificate of Existence is attached as <u>EXHIBIT 1</u>.

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, Martin, 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 Martin in Floyd County, Kentucky.

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

5. The public convenience and necessity requires that Kentucky Power continue to provide retail electric service to and in the City of Martin. The City of Martin 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 Martin. 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,

2

alleys, public grounds, and rights of way, of the City of Martin for the purpose of providing retail electric service expired April 21, 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 Martin for the provision of retail electric service to and in the City of Martin. Kentucky Power respectfully requests the Commission issue its Order on or before October 23, 2023 granting the Company a certificate of public convenience and necessity so that it may bid for the required franchise on October 24, 2023.

8. A copy of the ordinance providing for the advertisement and sale of the City of Martin franchise is attached hereto as **EXHIBIT 2**.

9. The advertisement to receive bids on the City of Martin franchise was published in a newspaper of general circulation in Floyd County on October 11, 2023. A copy of the ordinance providing for the advertisement and sale of the City of Martin franchise is attached hereto as **EXHIBIT 3**.

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

Communications

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

3

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 October 23, 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 Martin, 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,

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

COUNSEL FOR KENTUCKY POWER COMPANY <u>Exhibit 1</u>

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: 298585

Visit <u>https://web.sos.ky.gov/ftshow/certvalidate.aspx</u> 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 11th day of October, 2023, in the 232nd year of the Commonwealth.



Michael & adams

Michael G. Adams Secretary of State Commonwealth of Kentucky 298585/0028317

<u>Exhibit 2</u>

Public Notice

CITY OF MARTIN, KENTUCKY SUMMARY OF ORDINANCE 002-2023 PROVIDING FOR THE ADVERTISEMENT & SALE OF A FRANCHISE AUTHORIZING THE OWNER THEREOF TO CONSTRUCT AND OPERATE ELECTRIC POWER TRANSMISSION AND DISRIBUTION LINES IN THE CITY OF MARTIN

An Ordinance of the Gty of Martin, Kentucky providing for the advertisement and sale of a franchise authorizing the owner thereof to own, maintain, construct, and operate electric power transmission and distribution lines upon along, over and under the streets. Throughfares, alleys, sidewalks, bridges, public ways, and other places in the City of Martin.

Summary

Ordinance 002-2023 providing the advertisement and sale of a franchise authorizing the owner thereof to own, maintain, construct, and operate electric power transmission and distribution lines upon, along over and under the street's thoroughfares, walks, bridges, public ways, and other places in the City of Martin. The full text of Ordinance 002-2023 is available for examination in the office of the City Clerk of the City of Martin, of Martin, Kentucky, located at Martin City Hall, 1 Randy Caudill Memorial Loop, Martin, Kentucky.

CERTIFICATION

I hereby certify that the foregoing caption is an accurate summary of contents of the Ordinance.

ORDINANCE NO.DO 2, 2023

An Ordinance of the City Council of the City of Martin, Kentucky, Providing for the Advertisement and Sale of a Franchise Authorizing the Owner Thereof to Own, Maintain, Construct and Operate Electric Power Transmission and Distribution Lines Upon, Along, Over and Under the Streets, Thoroughfares, Alleys, Sidewalks, Bridges, Public Ways and Other Public Places of the Said City.

WHEREAS, the City of Martin, Floyd County, Kentucky is incorporated under

the provisions of the Kentucky Revised Statutes, and desires to grant a franchise for an electric power company to own, maintain, construct and operate its electric power transmission and distribution lines upon, along, over and under the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places of the City of Martin, Floyd County, Kentucky, and

WHEREAS, there exists a public necessity for adequate service of electric power and energy to the citizens of the City of Martin, Floyd County, Kentucky, and

WHEREAS, it appears that it is in the interest of the public that a franchise be advertised and sold, granting and entitling the grantee to use the streets, thoroughfares, alleys, sidewalks, bridges, public ways and public places for the erection, operation and maintenance of lines for the transmission and distribution of electric power to the citizens of the City of Martin, Floyd County, Kentucky, and to persons, firms and corporations beyond the limits of the City of Martin, Floyd County, Kentucky.

BE IT ORDAINED BY THE CITY OF Martin, Floyd County, KENTUCKY, AS FOLLOWS:

SECTION I

That there be sold at public auction to the highest and best bidder, the franchise, privilege, right and authority to acquire, maintain, construct and operate in, above, under, across and along the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places (as the same now exist or may hereafter be laid out) of the City of Martin, Floyd County, Kentucky, lines, poles and equipment for the distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances, for the purpose of supplying electric energy to said City and the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and any other purpose or purposes for which electric energy is now or may hereafter be used, and for the transmission of the same within, through or across said City.

SECTION 2

Said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places.

SECTION 3

The franchise, privilege, right and authority shall be in full force and effect for a period of twenty (20) years from the date of passage of the Ordinance granting the franchise.

SECTION 4

The grantee of this franchise shall save the City harmless from any and all liability arising in any way from negligence in the erection, maintenance or operation of said lines and appurtenances.

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SECTION 4

The grantee of this franchise shall save the City harmless from any and all liability arising in any way from negligence in the erection, maintenance or operation of said lines and appurtenances.

SECTION 5

The grantee of this franchise shall have the right and privilege to take up such portion or part of any pavement and make such excavation in the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places of the City of Martin as may be deemed necessary for the construction and maintenance of its lines, wires or cables, but, whenever the grantee of this franchise shall begin the erection of any lines or other equipment, it shall promptly and diligently prosecute the work to completion, and leave the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places where such work is done in as good condition of repair as before such work was commenced.

SECTION 6

Whenever in this franchise either the City of Martin or the grantee thereof is referred to, it shall be deemed to include the respective successors and assigns, of either, and all rights, privileges and obligations contained in this franchise shall be binding upon, and inure to the benefit of, the respective successors and assigns, of the City and said grantee, whether so expressed or not.

SECTION 7

The grantee of this franchise may make such rules and regulations covering the furnishing of said electric energy as may be fair and reasonable and consistent with the standard practice of the grantee. Said grantee may charge such rates for electric service as shall be fair and reasonable. The said grantee shall render service under said franchise of like quality, that is, adequate, efficient and reasonable, to that now being rendered to said City.

SECTION 8

The consideration paid by the successful bidder for the franchise, privilege, right and authority provided for herein, shall be complete compensation and consideration for said franchise, privilege, right and authority, and for the use and occupancy of the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places of the City, in lieu of any street or alley rental or of any charge for the use or occupancy of said streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places of said city, and in lieu of any pole tax or meter tax.

SECTION 9

Jimmy Webb, City Attorney for the City of Martin, Floyd County, Kentucky, is hereby appointed Special Commissioner, to sell said franchise, privilege, right and authority hereby ordered sold subject to the approval of the City Council, and said Special Commissioner is directed to offer said franchise for public sale to the highest bidder on the 24 th day of 240 hex. 2023, at 10 hereby and the Law Office of Jimmy Webb located at 187 E. Court Street, Prestonsburg, Kentucky after he or the City Clerk on behalf of the city has advertised the date, time, terms, conditions and place of sale, pursuant to law, by inserting a notice of sale in *The Floyd Chronicle & Times*, Prestonsburg, Kentucky, a newspaper of general circulation in Martin, Floyd County, Kentucky, one time, which shall be not less than seven (7) days nor more than twenty-one (21) days prior to the date of said sale, said advertisement to include this Ordinance or a summary thereof.

SECTION 10

Bids and proposals for the purchase and acquisition of the franchise, privilege, right and authority hereby granted shall be in writing and shall be delivered to the Special Commissioner upon the date and at the time fixed by the Special Commissioner in said advertising for receiving bids. Thereafter, the Special Commissioner shall report and submit to the City Council at the time and place of its next regular meeting said bids and proposals for its approval, and said City Council reserves the right for and on behalf of the City of Martin to refuse any and all bids for said franchise, privilege, right and authority. In the event the bids reported by the Special Commissioner shall be refused by the said City Council, it may direct, by resolution or ordinance, said franchise, privilege, right and authority to be again officed for sale from time to time until a satisfactory bid therefor shall be received and approved. Each bid shall be accompanied by a deposit and each bidder shall post bond in accordance with the provisions and requirements of KRS 96.020. However, such deposit and bond need not be made by a corporation or person already owning, in or adjacent to the City of Martin, Floyd County, Kentucky, a plant and equipment sufficient to render the service required by this Ordinance.

SECTION 11

Each bidder for said franchise, privilege, right and authority shall file, as a part of its bid, a certified copy of a Certificate of Convenience and Necessity from the Public Service Council of Kentucky, issued under the authority of KRS 278.020.

SECTION 12

The Ordinance granting this franchise shall be accepted by the grantee thereof within sixty (60) days from the date of its passage.

APPROVED, this 26th day of September 2023.

5

Samuel Howell, Mayor

ATTEST:

LisaMcCoy, Clerk

Introduction and First Reading: July 25th, 2023 Second Reading: September 26th 2023 <u>Exhibit 3</u>

TO OUR READERS

PUBLISHER'S NOTICE

All real estate advertising in this newspaper is sub ject to the Fair Housing Act whichmakes it il egal to advertis any preference mitation or dis criminatio r base parace, color, re lgion, sex, handi ca, fiamilial sta us or nationa origin, or an in ention to mak any such prefer ence, limitatio discrimina ion." Familial in dudes childre n under the age of 8 living with pa rents or legal cus pdians, pregnan t women and peo de securing cus bdy of childre n under 18. This newspape r will not knowing y accept any ad vertising for rea state which is in violation of the aw. Our reade re ar hereby in formed that al wellings adver ised in thi ewspaper are vailable on an qual opportuni ty asis. To com dain of discrimi nation, call HUD



The Floyd Coun ty Chronicle and Times reserves the right to edit, properly classify, carcel or declin e any ad. We wil ot knowingly ac ept advertisi ng hat discrimi ates on the basi s f sex, age, reli race

al Gardens. Located on a flat area. \$2,400. Call 606-791-8008. VEED EXTR/ your FREE Dental Information Kit with all the

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LEGALS PUBLIC

NOTICE Pursuant to 405 KAR 8:010, Section 16(5), the following is a summary of permitting decisions made by the Department for Natural Resources, Division of Mine Permits with respect to applications to conduct surface coal mining and reclamation operations in Floyd County. CARDINAL REC-LAMATION COMPANY, LLC, 836-0467, MI, 8, 8/11/2023 SPURLOCK MIN-ING, LLC, 836-5659, RN, 7, 8/4/2023 SPURLOCK MIN-ING, LLC, 836-5660, MI, 2,

LL Cooperative

Extension Service

Extension Agent for

LEGALS 8/29/2023 NOTICE **OF BOND** RELEASE accordance In with the proviof KRS sions 350.093, notice is hereby given that Matt/Co, Inc., 439 Meadows Branch, Prestonsburg, Kentucky 41653 has applied for Phase II and Phase III bond release on Permit Number 836-5334 which was last issued on January 30, 2023. This permit covers an area of approximately 1,147.16 acres located 2.0 miles north of Emma in Floyd County.

The proposed operation is approximately 1.0 mile east from KY Route 1428's junction with Sugarloaf Branch Road and is located 0.1 mile north of Sugarloaf Branch. The bond now in effect for this permit is a Kentucky Bond Pool bond in the amount of seven thousand six hundred dollars (\$7,600.00). Ap-

proximately onehundred percent (100%) of the original bond amount of \$7.600 is included in this application for release. **Reclamation work**

performed includes: backfilling, grading, seeding and mulching completed in October 2008 and establishment of the post-mining land use, Written com-

ments, objections, and requests for a public hearing or informal conference must be filed with the Director, Division of Mine Reclamation and Enforcement, 300 Sower Boulevard, Frankfort, Kenucky 40601 by December 1, 2023. A public hearing on the application has been scheduled for December 5, 2023 at 10:00 a.m. or as soon thereafter as may be heard at the Department for Natural Resources' Pikeville Regional Office, 121 Mays Branch, Pikeville, Ken-41501. tucky This hearing will be canceled if no request for a hearing or informal conference is received by December 1, 2023.

1-13, 20 Dironicle & ny-Frichy. October LEGALS ADVERTISE-THE MENT FOR TISEMENT BIDS SALE Sealed Proposals for the Betsy Layne Elementary School Roof Replacement, Bid Package #2 will be received by the County Floyd Board of Education, at 442 KY Route 550, Prestonsburg, Kentucky 41622-6926 until October 17, 2023, 2 pm local time. Bid Security in the amount of five (5) percent must accompany each Proposal. The successful bidder will be required to provide a 100% Performance and Payment

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School

Bidders

Planroom

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Federal

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PUBLIC

NOTICE

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BIDS

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FRANCHISE AU-THORIZING H E Т OWNER THERE-OF CON TO STRUCT AND **OPERATE ELEC** TRIC POWER TRA'NS MISSION AND DISTRIBU-TION LINES IN THE CITY OF MARTIN. An Ordinance to the City of Martin, Kentucky providing for the advertisement and sale of a franchise authorizing the owner thereof to own, maintain, construct and operate electric power transmission and distribution Bond as indicated lines upon, along, in the Project over and under A prethe streets, thorbid conference oughfares, alleys, will be held at sidewalks, 11:00 am local bridges, public time on October 6, ways and other 2023 at the Betsy place in the City Layne Elementaof Martin. ry School, 256 SUMMARY Street, Ordinance 002-Betsy Layne, Ken-2023 providing for the advertisement may and sale of a frandownload contract chise authorizing documents electhe owner thereof tronically at no to own, maintain, charge from Lynn construct and op-Imaging's Online erate electric powat er transmission www.lynnimagand distribution lines upon, along, Wage over and under Rates are applicathe streets, thorble. State Wage oughfares, alleys, Rates are not apsidewalks, plicable. Conflicts bridges, public of interest, gratuiways and other ties and kickbacks places in the City are defined in of Martin. The full KRS 45A.445 abtext of Ordinance solutely prohibitis available for exed. Preference for amination the ofresident bidders fice of the City shall be given as Clerk of the City outlined in KRS of Martin, Kentucky, located at 1 END OF ADVER-Randy Caudill TISEMENT FOR Memorial Loop, Martin, Kentucky 41649. Bids starting Oct. 11-24, 2023, at 10 a.m. Second reading of **CERTIFICATION** ordi-I hereby certify nance 23-006 rethat the foregoing garding Animal caption is an accu-

23 · Page 6B

LEGALS

OF

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LEGALS Whereas, the purposed budget amendment was tentatively approved by the Fiscal Court on September 29th, 2023 and approved as to form and classification by the State Local Finance Officer on October 9th, 2023. SECTION One: The Budget for fiscal year 2023 -2024 is amended to: A: Increase the receipts of LGEA Fund by \$750,000.00 to include under budgeted receipts from: Account Code 04-4510 Description Community Center CDBG Grant Amount \$750,000.00 B. Increase the expenditures of LGEA Fund account: Account Code 04-5405-548 Description Community Center CDBG Grant Amount \$750,000.00 This ordinance b e comes effective upon passage and publication. All

interested pers o n S and organizations in Floyd County are hereby notified that a copy of the county's proposed budget amendment in full is available for public inspection at the Office of the Floyd County Judge Execu-

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tive during nor-

business

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hours.

NOTICE The second reading of Floyd County's purposed budget amendment for Fiscal Year 2023 -2024 ordinance 23-008 is scheduled to be held at the courthouse on October 20, 2023 at 11am. Be it ordained by the Fiscal Court of the County of Floyd, Commonwealth of Kentucky: Whereas, the purposed budget amendment was tentatively approved by the Fiscal Court on September 29th, 2023

and approved as

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State Local Fi-

nance Officer on

October 9th, 2023.

SECTION One:

The Budget for

fiscal year 2023 -

LEGALS 2024 is amended Amount \$780,000.0 to: \$ 20,000.0 A: Increase the receipts for the This Road Fund by b \$800,000.00 to incomes clude under budgupon passi eted receipts publication from: interested Account Code \$ 02-4912 and organi Description in Floyd Governmental are hereby Leasing Receipts fied that a Trucks (Loan) the count Amount posed \$800,000.00 amendmen **B**. Increase the full is av expenditures for public of Road Fund tion at the acof the Floy count Account Code ty Judge 02-7700-602 tive duri 02-7700-606 mal Description hours. Leased Equipment APPLICAT Leased Interest **BEING ACC** for 1,2,3 APPLICATIONS Apartme BEING ACCEPTED for 1-Bedroom Located Apartments Prestonabl Highland H for Persons 62 Apartment and older

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Located on Mays Branch in Prestonsburg. Al utilities included, rent is based on gross monthly income. Several activities such as line dancing, crafts, church services, hair salon. Furnished with stove, refrigerator, emergency alarm system and air conditioner. For more information, please call Highland Terrace at 606-886-1925 TDD: 1-800-648-6056 or 711 or come by the office for an application.

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PLEASE CHECK YOUR AD Please read your adthe first day y it appears in the Flyd Co unty Chronicle and Rep ort Times. any errors immediately and we will gladly corr ect any errors published. Credit will be issued for one (1) day only. After the first day the ad can be corrected for the remaining number ofruns, but credi t will not be issue d for days ad ran incorrectly.

PAY NEVER FOR Covered Repairs Home Again! Complete Care Home War-

Control for Floyd County will be held on October 20th, 2023 at 11 a.m. A copy of purposed ordinance with full text is available for public inspection at the office of the Floyd County Judge Executive during norbusiness mal hours. PUBLIC NOTICE OF SALES CITY OF MAR-TIN, KENTUCKY SUMMARY OF ORDINANCE 002-2023 PRO-VIDING FOR

the contents of the Ordinance. Jimmy C. Webb Attorney at Law

rate summary of

PUBLIC NOTICE The second reading of Floyd Counpurposed ty's budget amendment for Fiscal Year 2023 -2024 ordinance 23-007 is scheduled to be held at the courthouse on October 20, 2023 at 11am. Be it ordained by the Fiscal Court of the County of

> **Buzzed. Busted. Broke.** Get caught, and you could be paying around \$10,000 in fines, legal fees and increased insurance rate

SURVEYOR NEEDED

Floyd, Common-

wealth of Ken-

tucky:

Local Engineering and Surveying firm is in need of an experiencedSurveyor for a variety of civil engineering and mine engi-