

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION OF )  
COLUMBIA GAS OF KENTUCKY, INC. FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC ) Case No. 2024-00053  
CONVENIENCE AND NECESSITY TO BID ON )  
A GAS DISTRIBUTION FRANCHISE IN THE )  
CORPORATION LIMITS OF THE CITY OF )  
FLATWOODS, KENTUCKY. )

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APPLICATION OF COLUMBIA GAS OF KENTUCKY, INC.

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The petition of Columbia Gas of Kentucky, Inc. ("Columbia") respectfully states:

(A) That applicant is engaged in the business of furnishing natural gas services to the public in certain counties in the Commonwealth of Kentucky, pursuant to authority granted by the Commission.

(B) That applicant's full name and post office address, email address and fax number is:

Columbia Gas of Kentucky, Inc.  
2001 Mercer Road  
P.O. Box 14241  
Lexington, KY 40512-4241  
[pscmalcky@nisource.com](mailto:pscmalcky@nisource.com)  
FAX: (859)288-0258

(C) That Columbia's Articles of Incorporation previously have been filed with the Commission in Case No. 2021-00183 and are incorporated herein by reference.

(D) That Columbia is furnishing gas distribution service in the franchise area as of the date of the filing of this Application.

(E) Attached hereto as Attachment A is Ordinance No. 2 - 2024 adopted February 8, 2024 by the Common Council of the City of Flatwoods, Kentucky ("Flatwoods"). Said Ordinance reflects the decision of Flatwoods to advertise for bids for a natural gas franchise. Said advertisement was by legal notice published in the Greenup Gazette on February 22, 2024 and attached hereto as Attachment B.

(F) The need and demand for gas distribution service within the corporation limits of Flatwoods is shown by the fact that Columbia serves approximately 2,109 customers in the City at the present time. There exists a public necessity for adequate service of natural gas to the citizens of Flatwoods, Kentucky.

(G) Columbia desires to acquire said franchise for gas distribution service in Flatwoods and submit a bid pursuant to Flatwoods's published legal notice. The deadline for receipt of bids has been established as February 28, 2024 at 9:00 am. The City will also accept bids after this deadline.

**WHEREFORE**, Columbia respectfully requests that the Public Service Commission make its order issuing a Certificate of Public Convenience and Necessity that authorizes Columbia to acquire a gas distribution franchise from Flatwoods, for the reasons described herein.

Dated at Columbus, Ohio, this 19th day of March 2024.

Respectfully submitted,

**COLUMBIA GAS OF KENTUCKY, INC.**

By: /s/ John R. Ryan  
John R. Ryan  
Senior Counsel  
290 W. Nationwide Blvd.  
Columbus, Ohio 43215  
(614) 285-2220  
johnryan@nisource.com

Attorney for  
**COLUMBIA GAS OF KENTUCKY, INC.**

**ATTACHMENT A**

**Ordinance No. 2 - 2024 adopted February 8, 2024  
by the Common Council of the City of Flatwoods, Kentucky**

**CITY OF FLATWOODS, KENTUCKY**  
**ORDINANCE NO. 2-2024**

**AN ORDINANCE OF THE CITY OF FLATWOODS, KENTUCKY, PROVIDING FOR THE ADVERTISEMENT AND SALE OF A FRANCHISE AUTHORIZING THE OWNER THEREOF TO OWN, MAINTAIN, CONSTRUCT AND OPERATE NATURAL GAS 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 Flatwoods, Greenup County, Kentucky is incorporated under the provisions of the Kentucky Revised Statutes, and desires to grant a franchise for a natural gas company to own, maintain, construct and operate its natural gas distribution lines upon, along, over and under the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places of the City of Flatwoods, Greenup County, Kentucky, and

*WHEREAS*, there exists a public necessity for adequate service of natural gas to the citizens of the City of Flatwoods, Greenup 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 distribution of natural gas to the citizens of the City of Flatwoods, Greenup County, Kentucky, and to persons, firms and corporations beyond the limits of the City of Flatwoods, Greenup County, Kentucky.

***NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLATWOODS, KENTUCKY***

**SECTION ONE**

**GENERAL PROVISIONS**

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 Flatwoods, Greenup County, Kentucky, for the distribution of natural gas, with all the necessary or desirable appurtenances, for the purpose of supplying natural gas 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 natural gas is now or may hereafter be used, and for the distribution of the same within, through or across said City.

## **SECTION TWO**

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 THREE**

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. 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 FOUR**

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 Flatwoods as may be deemed necessary for the construction and maintenance of its distribution lines, 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 FIVE**

Whenever in this franchise either the City of Flatwoods 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 SIX**

The grantee of this franchise may make such rules and regulations covering the furnishing of said natural gas as may be fair and reasonable and consistent with the standard practice of the grantee. Said grantee may charge such rates for natural gas 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 SEVEN**

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 EIGHT**

The City Clerk for the City of Flatwoods, Greenup 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 28th day of February 2024, at 9:00 a.m. at the front door of the Flatwoods City Building, at 2513 Reed Street, Flatwoods, Kentucky, after she has advertised the date, time, terms, conditions and place of sale, pursuant to law, by inserting a notice of sale in The Greenup Gazette, Kentucky, a newspaper of general circulation in Flatwoods, Greenup 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 NINE**

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 on the date and at the time fixed by the Special Commissioner in said advertisement to include this Ordinance or a summary thereof. 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 Flatwoods 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 rejected by the said City Council, it may direct, by resolution or ordinance, said franchise, privilege, right and authority to be again offered 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 Flatwoods, Greenup County, Kentucky, a plant and equipment sufficient to render the service required by this Ordinance.

### **SECTION TEN**

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 Commission of Kentucky, issued under the authority of KRS 278.020.

### **SECTION ELEVEN**

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

**SECTION TWELVE**

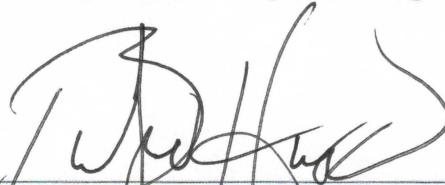
All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION THIRTEEN**

This Ordinance may be published in summary pursuant to KRS 183A.060(9).

**SECTION FOURTEEN**

This Ordinance shall be in full force and effect when passed and published according to law.



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HON. BUFORD HURLEY, MAYOR  
CITY OF FLATWOODS, KENTUCKY

ATTEST:

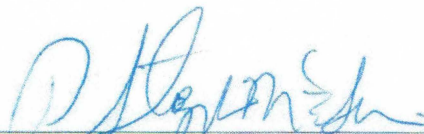


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CITY CLERK-TREASURER

FIRST READING: 2/16/2024

SECOND READING: 2/18/2024



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PREPARED BY:  
CITY ATTORNEY, R. STEPHEN MCGINNIS



**ATTACHMENT B**

*Greenup Gazette*

**February 22, 2024**

# Courthouse News

## Deeds Recorded

Anna Bush Heirs, Cavel and Elaine Bush, Angela Greene, Jackie Ann and Kevin Campbell and Myka and Matthew Grayson to Cavel and Elaine Bush; Nov. 13; two tracts in Greenup County FCV; \$40,000.

Brewer Living Trust to Dateicon; Nov. 13; Lots 77-79 Beechland Court Subdivision; \$11,000.

Jared and Courtney Spicer to Marcia and John Meritt; Nov. 13; Lot 5A Saddlebrook Estates; \$27,500.

Harriett Thompson Heirs and James R. Thompson to John M. Davidson and Carl R. Davidson; Nov. 14; Lot 73, Block 1 River Park Subdivision; \$1,200.

Kevin L. McCann to Jonas and Ann Colblentz; Nov. 14; one acre along Coal ranch Road and mobile home; \$37,500.

Timothy D. Scaggs to Angela and Gary Thacker; Nov. 14; Lot 27 Fourth Addition Chinnville; \$131,900.

Penymac Loans Services LLC to Brian-na Claire Reynolds and Jeanette Lynn Self; Nov. 14; Lot 5, Block 1 R.T. Erwin Addition; \$58,520.

Marcum Management LLC to Edna Coreen and Darrell R. Otto; Nov. 14; Lots 27-28, Block 5 South Beechland Court Sub-division; \$129,900.

Keith and Susan Hall to Louie and Brenda L. Podunavac; Nov. 14; Lot 17 and additional tract Michael Addition; \$24,000.

James Douglas and Tammy Jordan and John Stowers and Randy Conley to James Nathan and Staci Maye Imel; Nov. 14; tract along KY 1; \$6,000.

Gary Orvil Glispie Estate to Corey E. Egbert and Jennifer Ann Fisher; Nov. 16; 3.551 acres KY 784 at Willard Lane; \$174,900.

Homer I. and Sara Woods Jr. to Cheryl Baker and Norma Gizzi; Nov. 16; tract along California Hollow; \$2,000.

## District Court Jan. 17

Nathan Lee Applegate; no/expired registration; guilty plea; \$100 fine.

Nathan Lee Applegate; rear license not illuminated; merged.

Mark D. Burton; improper passing; guilty plea; \$100 fine.

Mark D. Burton; failure to notify Trans-

portation Department of address change; discussed, showed proof.

Dana M. Carroll; failure to notify Transportation Department of address change; dismissed on motion by Commonwealth.

## Ordinance No. 2024-1

AN ORDINANCE ESTABLISHING AN ANNUAL COST OF LIVING ADJUSTMENT FOR EMPLOYEES OF THE CITY OF RACELAND

WHEREAS, the city of Raceland seeks to ensure that all city employees are fairly compensated and continue to be with rising costs of living.

THEREFORE, be it ordained by the CITY OF RACELAND as follows:

### Section 1. General Provisions

(A) Each section is enacted separately and will continue in force even if another section is declared unconstitutional. That all conflicting ordinances are specifically repealed to the extent of said conflict only.

(B) This Ordinance will become effective and enforceable upon its passage, approval, and publication as required by law.

(C) The City Clerk of the City of Raceland will be directed to transmit a copy of this Ordinance and any amendments following it, as may be required by law.

### Section 2. Purpose and Effect

(A) This Ordinance will establish an annual cost of living raise for all city employees.

(B) The amount of the annual raise will be based on the average increase determined by the Bureau of Labor Statistics Consumer Price Index for the previous year.

a) No annual cost of living adjustments shall be less than three (3) percent, regardless of the current Consumer Price Index.

(C) The raise will take effect immediately and be implemented again in January 2024.

### Section 4.

This ordinance shall be enforceable after its passage and upon publication.

Enacted this 13th day of February, 2024

ATTEST:  
**Suzie Gibeaut**  
Suzie Gibeaut  
City Clerk, City of Raceland

First Reading: 1-9-2024  
Second Reading: 2-13-2024  
Published: 2-2-2024

Tony Wilson  
Tony W. Wilson  
Mayor, City of Raceland

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or mail with check to 203 Harrison Street, Greenup KY 41144

## The Greenup Gazette

### CITY OF FLATWOODS, KENTUCKY ORDINANCE NO. 1-2024

AN ORDINANCE ESTABLISHING ABANDONED URBAN PROPERTIES AND SETTING A TAX RATE FOR THESE PROPERTIES FOR THE CITY OF FLATWOODS, KENTUCKY, AT .075 ON EACH \$100.00 OF ASSESSED VALUE AND OTHER MATTERS.

#### CERTIFICATION

This is to certify that the above caption and Ordinance is titled as set forth above and has been reviewed by the undersigned, who is an attorney licensed to practice law in the Commonwealth of Kentucky.

*D. Stephen Simon*  
D. Stephen Simon  
PHONE: (606) 473-7303  
WWW.MCGINNISLESLIE.COM

ADOPTED ON THE 8th day of February, 2024 by the Common Council of the City of Flatwoods, Kentucky.

ATTEST:

*Scottie Mewis*  
Scottie Mewis  
CITY CLERK, FLATWOODS, KY

Published February 22, 2024

### CITY OF FLATWOODS, KENTUCKY ORDINANCE NO. 2-2024

AN ORDINANCE OF THE CITY OF FLATWOODS, KENTUCKY, PROVIDING FOR THE ADVERTISEMENT AND SALE OF A FRANCHISE AUTHORIZING THE OWNER THEREOF TO OWN, MAINTAIN, CONSTRUCT AND OPERATE NATURAL GAS DISTRIBUTION LINES UPON, ALONG, OVER AND UNDER THE STREETS, THOROUGHFARES, ALLEYS, SIDEWALKS, BRIDGES, PUBLIC WAYS, AND OTHER PUBLIC PLACES OF THE SAID CITY.

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This is to certify that the above caption and Ordinance is titled as set forth above and has been reviewed by the undersigned, who is an attorney licensed to practice law in the Commonwealth of Kentucky.

*D. Stephen Simon*  
D. Stephen Simon  
PHONE: (606) 473-7303  
WWW.MCGINNISLESLIE.COM

ADOPTED ON THE 8th day of February, 2024 by the Common Council of the City of Flatwoods, Kentucky.

ATTEST:

*Scottie Mewis*  
Scottie Mewis  
CITY CLERK, FLATWOODS, KY

The City of Flatwoods is now accepting bids for exclusive and non-exclusive franchise authorizing the owner thereof to own, maintain, construct and operate natural gas distribution line upon, along, over and under the streets, thoroughfares, alleys, sidewalks, bridges, public ways, and other public places. The Special Commissioner will conduct a public sale to the highest bidder on the 28th day of February 2024, at 9:00 a.m. at the front door of the Flatwoods City Building, at 2513 Reed Street, Flatwoods, KY.

Published February 22, 2024