



**KENTUCKY  
POWER**

A unit of American Electric Power

Kentucky Power  
P O Box 5190  
101A Enterprise Drive  
Frankfort, KY 40602  
KentuckyPower.com

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JUL 28 2008

PUBLIC SERVICE  
COMMISSION

Ms. Stephanie Stumbo, Executive Director  
Kentucky Public Service Commission  
P. O. Box 615  
Frankfort, KY 40602

24 July 2008

Re: Case No. 2007-00445

Dear Ms Stumbo:

As directed by the Public Service Commission's Order in Case No. 2007-00446 dated October 24, 2007, we are attaching two copies of the Ordinance/Acceptance granting Kentucky Power Company a twenty-year electric franchise in the city of Wheelwright, Floyd County, Kentucky.

If you have any questions, I can be reached at 502/696-7012.

Sincerely, .

Judi Willis  
Principal Regulatory Consultant

Attachment

cc: Hon. Mark R. Overstreet, Stites & Harbison – w/a

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PUBLIC SERVICE  
COMMISSION

ACCEPTANCE

**TO THE MAYOR AND CITY COMMISSION OF THE  
CITY OF WHEELWRIGHT, KENTUCKY**

WHEREAS, on the 17th day of June, 2008, the CITY COMMISSION OF  
THE CITY OF WHEELWRIGHT, KENTUCKY, passed ORDINANCE NO. 02, 2008,  
entitled:

“AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF  
WHEELWRIGHT, KENTUCKY, GRANTING TO KENTUCKY POWER  
COMPANY, ITS SUCCESSORS AND ASSIGNS, A TWENTY (20) YEAR  
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  
OF THE CITY OF WHEELWRIGHT, KENTUCKY, AND ITS  
SUCCESSORS AND ASSIGNS, LINES, POLES AND EQUIPMENT FOR  
THE TRANSPORTATION, TRANSMISSION AND DISTRIBUTION OF  
ELECTRIC ENERGY TO THE CITY OF WHEELWRIGHT AND THE  
INHABITANTS THEREOF AND THE PERSONS AND CORPORATIONS  
BEYOND THE LIMITS THEREOF FOR LIGHT, HEAT, POWER AND  
OTHER PURPOSES, AND FOR THE TRANSMISSION,  
TRANSPORTATION AND DISTRIBUTION OF SAME, WITHIN,  
THROUGH OR ACROSS SAID CITY.”

WHEREAS, the undersigned, KENTUCKY POWER COMPANY, is willing  
to accept said Ordinance granting said franchise in accordance with the terms and conditions  
therein set forth.

NOW, THEREFORE, the said KENTUCKY POWER COMPANY hereby  
assents to and accepts the terms and provisions of said Ordinance and agrees to be bound and  
abide by said terms and provisions as in said Ordinance set forth.

IN WITNESS WHEREOF, said KENTUCKY POWER COMPANY, a  
Kentucky corporation, has caused its name to be hereunto affixed by Timothy C. Mosher, its  
President, its seal to be affixed, and the same to be attested by Errol L. Wagner, its Assistant  
Secretary on this 9<sup>th</sup> day of July, 2008.

(S E A L)

KENTUCKY POWER COMPANY

By T.C. Mosher  
President

ATTEST:

Errol L. Wagner  
Assistant Secretary

COMMONWEALTH OF KENTUCKY

COUNTY OF Floyd

I, a Notary Public in and for the County and State aforesaid, do hereby certify  
that the foregoing Acceptance was this day acknowledged before me by Timothy C. Mosher,  
President, and Errol K. Wagner, Assistant Secretary, of KENTUCKY POWER COMPANY,  
to be their free act and deed, and the act and deed of Kentucky Power Company, this 9<sup>th</sup>  
day of July, 2008.

My Commission expires January 14, 2009.

Judy K. (Jackett) Pasquini  
Notary Public, State at Large, Kentucky

I, MARY ANN SLONE, Clerk of the City of Wheelwright, Kentucky, do hereby certify that the above is a true copy of the Acceptance by KENTUCKY POWER COMPANY of an electric franchise Ordinance passed by the CITY COMMISSION of said City on June 17, 2008.

Received and filed this 15 day of July, 2008.

Mary Ann Slone  
Mary Ann Slone, City Clerk  
City of Wheelwright

ORDINANCE NO. 02, 2008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WHEELWRIGHT, KENTUCKY, GRANTING TO KENTUCKY POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A TWENTY (20) YEAR 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 OF THE CITY OF WHEELWRIGHT, KENTUCKY, AND ITS SUCCESSORS AND ASSIGNS, LINES, POLES AND EQUIPMENT FOR THE TRANSPORTATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF WHEELWRIGHT AND THE INHABITANTS THEREOF AND THE PERSONS AND CORPORATIONS BEYOND THE LIMITS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES, AND FOR THE TRANSMISSION, TRANSPORTATION AND DISTRIBUTION OF SAME, WITHIN, THROUGH OR ACROSS SAID CITY.

THE CITY COMMISSION OF THE CITY OF WHEELWRIGHT, FLOYD COUNTY, KENTUCKY, DOES ORDAIN AS FOLLOWS:

**SECTION 1**

The Kentucky Power Company, its successors and assigns, hereinafter called grantee, is granted 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 Wheelwright, Floyd County, Kentucky, lines, poles and equipment for the transportation, transmission and 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 this Ordinance.

## **SECTION 4**

The grantee of this franchise shall save the City harmless from any and all liability arising, in any way, from negligence of the grantee 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 Wheelwright, as may be deemed necessary for the construction and maintenance of its lines, wires, or cables, but whenever the grantee of the 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**

Wherever in this franchise, either the City of Wheelwright, 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 said 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 services 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 and agreed to be paid in its bid by the grantee 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**

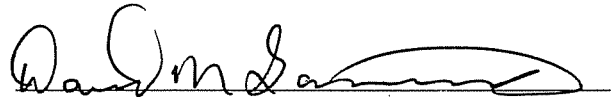
This Ordinance granting this franchise shall be accepted by the grantee thereof within sixty (60) days from the date of its passage.

**SECTION 10**

All Ordinances and parts of Ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

**SECTION 11**

This Ordinance shall be in full force and effect upon its passage by the City Commission.

  
Mayor

ATTEST:

Mary Ann Stone  
Clerk

Introduction and First Reading, 5-20, 2008

Second Reading: Adopted by the City Commission of the City of  
Wheelwright, this 17 day of JUNE, 2008