

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

2011-00018

THE APPLICATION OF KENTUCKY POWER)
COMPANY FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING APPLICANT TO OBTAIN)
A FRANCHISE IN THE CITY OF)
ASHLAND, BOYD COUNTY, KENTUCKY)

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COMMISSION

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**Response of Kentucky Power Company To
Filing By City Of Ashland, Kentucky**

On September 12, 2011, Kentucky Power Company ("Kentucky Power") located on the Commission's website a filing styled "Response of Ashland to the Notice of Filing of Franchise Ordinance." The filing requests that "the Commission determine it lacks jurisdiction to rule on the effect of City Ordinance No. 84, 2011, Section 8 on ..." Kentucky Power's duly filed and approved tariff. Response of City of Ashland at 3.

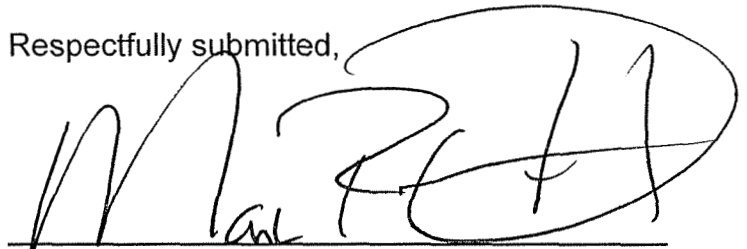
The City of Ashland's filing raises two jurisdictional issues. The ultimate jurisdictional question posed is whether the Commission has jurisdiction to declare the effect of the City ordinance on the requirements of Kentucky Power's Tariff F.T. (Franchise Tariff) (Original Sheet 20-1), and the rates charged by Kentucky Power in accordance with that tariff. The first jurisdiction question is whether the Commission has authority to decide that ultimate jurisdictional question.

The City of Ashland and Kentucky Power agree that the Commission has the authority to decide the first jurisdictional question. The parties disagree as to the Commission's jurisdiction to decide the ultimate question.

In its filing, the City of Ashland argues that the Commission lacks authority "to rule on the effect of City Ordinance No. 84, 2011, Section 8..." on the requirements of Kentucky Power's Tariff F.T. (Franchise Tariff) (Original Sheet 20-1), and the rates charged by Kentucky Power in accordance with that tariff. Response of City of Ashland at 3. Kentucky Power, on other hand, believes the Commission has such authority.

Kentucky Power anticipates filing on or before September 20, 2011 a memorandum in response to the legal arguments posed by the City of Ashland in its filing, and in support of the Commission's jurisdiction to decide the ultimate jurisdictional question.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark R. Overstreet", is written over a horizontal line. The signature is stylized and somewhat cursive.

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COUNSEL FOR KENTUCKY POWER
COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by first class mail, postage prepaid, upon the following parties of record, this 13th day of September, 2011.

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