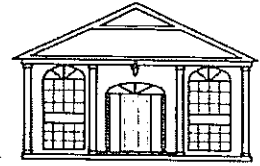


Frank A. Wichmann, P.S.C.  
a professional service corporation  
conducting business as

**WICHMANN & ASSOCIATES**

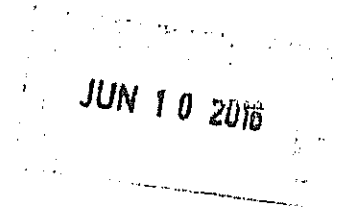


Attorneys at Law

Frank A. Wichmann  
Kimberly Wichmann Quinn  
Kristi Wichmann Arthur  
John A. Kohrman - (1912-1985)

4132 Dixie Highway  
P.O. Box 18063  
Erlanger, Kentucky 41018  
Telephone (859) 342-5840  
Fax (859) 342-7224

June 8, 2016

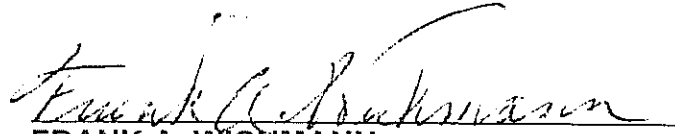


Crawford & Baxter P.S.C.  
ATTENTION: James M. Crawford  
523 Highland Avenue  
P.O. Box 353  
Carrollton, Kentucky 41008-0353

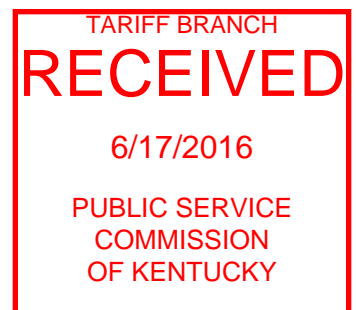
RE: Erlanger/Owen Electric Franchise

Greetings:

Enclosed for your records is a certified copy of Erlanger Ordinance No, 2432 granting Owen Electric a three year non-exclusive franchise for the use of the streets and other public ways and grounds in the City of Erlanger for the transmission and distribution of electricity through and for consumption within the City for the period of July 1, 2016 through June 30, 2019.

  
FRANK A. WICHMANN  
for WICHMANN & ASSOCIATES  
[f@wslaw.us](mailto:f@wslaw.us)

FAW:faw  
Enclosure(1)



ORDINANCE NO. 2432

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY KENTUCKY ACCEPTING THE BID OF AND GRANTING TO OWEN ELECTRIC COOPERATIVE, INC. A NON-EXCLUSIVE FRANCHISE FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY THROUGH AND FOR CONSUMPTION WITHIN THE CITY FOR THE PERIOD OF JULY 1, 2016 THROUGH JUNE 30, 2019.

WHEREAS, Owen Electric Cooperative, Inc. (Owen) is a public utility subject to the provisions of Sections 163 and 164 of the Kentucky Constitution and K.R.S. 96.010 through 96.045 and K.R.S. Chapter 278; and

WHEREAS, Section 163 of the Kentucky Constitution prohibits public utilities from using the streets, alleys and other public grounds within a city without a franchise for that use; and

WHEREAS, Erlanger Ordinance 2378 establishes a non-exclusive three (3) year franchise for the use of the City streets, alleys and public grounds for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City; and

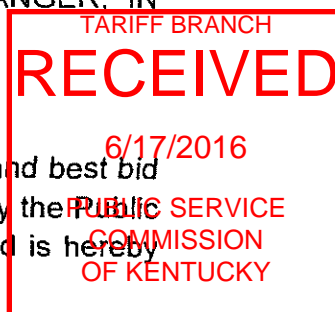
WHEREAS, a franchise for the transmission and distribution of electricity pursuant to Erlanger Ordinance 2378 for the period of July 1, 2013 through June 30, 2016 was granted to Owen by Erlanger Ordinance 2384; and

WHEREAS, pursuant to the requirements of Section 164 of the Kentucky Constitution and KRS Chapter 424, Erlanger advertised for bids for a franchise pursuant to Erlanger ordinance 2378 for the period of July 1, 2016 through June 30, 2019 and received the attached bid from Owen for the transmission and distribution of electricity through the territory within Erlanger for which it has been certified by the Public Service Commission of Kentucky pursuant to K.R.S. Chapter 278

NOW, THEREFOR, BE IT ORDAINED BY THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

**Section 1.0 – Acceptance of Bid**

The attached bid from Owen is hereby determined to be the highest and best bid for the territory within the City for which Owen serves or has been certified by the Public Service Commission of Kentucky pursuant K.R.S. Chapter 278; and that bid is hereby accepted as tendered.



**Section 2.0 – Grant of Electric Franchise**

Pursuant to Erlanger Ordinance 2378, as amended, and subject to the provisions thereof, Owen is hereby granted a non-exclusive three (3) year franchise for the use of the City streets, alleys and public grounds for the transmission and distribution of electricity through and for consumption within that portion of the City for which Owen has been certified by the Public Service Commission of Kentucky, for the period from and including July 1, 2016 through and including June 30, 2019.

**Section 3.0 – Provisions Severable**

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

**Section 4.0 – Conflicting Ordinances Repealed**

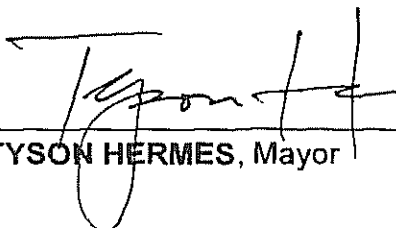
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 5.0 – Effective Date**

This ordinance shall be effective as soon as possible according to law.

**Section 6.0 - Publication**

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

  
\_\_\_\_\_  
TYSON HERMES, Mayor



2016 ENERGY FRANCHISE BID

TO: CITY OF ERLANGER  
FROM: OWEN ELECTRIC COOPERATIVE, INC.  
SUBJECT: BID FOR CONTINUATION OF A THREE-YEAR NON-EXCLUSIVE  
FRANCHISE BASED ON MUNICIPAL ORDER NO. 02-16-16-02

Owen Electric Cooperative, Inc. (hereinafter referred to as "Bidder") bids a sum equal to 3% of gross calendar quarter revenues received from sales of electricity for consumption within the City of Erlanger (as set forth in Ordinance Nos. 2378 and 2382) and within the certified territory of Bidder as recorded in the records of the Public Service Commission of Kentucky, Frankfort, Kentucky.

No deposit is required under Section 3.2 of Ordinance No. 2378 as Bidder already owns within the territorial limits of the City of Erlanger, Kentucky equipment and facilities sufficient to render the service required by Ordinance No. 2378.

The authority to bid for this franchise has been approved by the Kentucky Public Service Commission. A copy of the Commission's Order, dated March 18, 2016, is attached.

Dated: March 21, 2016

OWEN ELECTRIC COOPERATIVE, INC.

BY:   
MARK STALLONS, PRESIDENT AND CEO



COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF OWEN ELECTRIC	)	
COOPERATIVE, INC. FOR A CERTIFICATE OF	)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY	)	2016-00121
AUTHORIZING THE BID ON A CONTINUATION	)	
OF A FRANCHISE FROM THE CITY OF	)	
ERLANGER, KENTUCKY	)	

ORDER

On March 15, 2016, Owen Electric Cooperative, Inc. ("Owen Electric") filed its application with the Commission seeking a Certificate of Public Convenience and Necessity ("CPCN") to authorize it to bid on a franchise offered by the city of Erlanger, Kentucky, for electric transmission and distribution service. Under the provisions of KRS 278.020(4), no utility may apply for a franchise from any governmental agency until it has obtained a CPCN from this Commission based on our finding that there is a need and demand for the service sought to be rendered.

In light of the city of Erlanger's ordinance creating a franchise for electric transmission and distribution service, the Commission determines that there is evidence of a need and demand for electric transmission and distribution service in the above-mentioned city. Since the Commission's authority in such matters is limited by statute to finding only whether there is a need and demand for the service sought to be rendered, no finding or determination is made as to the qualifications of the bidder, the validity of any of the provisions of the franchise offered by said city, or the manner in which any franchise fee is to be treated for rate purposes.



IT IS THEREFORE ORDERED that:

1. Owen Electric is granted a CPCN that authorizes it to bid on a franchise offered by the city of Erlanger, Kentucky, for electric transmission and distribution service.

2. If Owen Electric is not the successful bidder, Owen Electric shall, within ten days of the award of the franchise at issue, file with the Commission a written notice stating that Owen Electric was not the successful bidder.

3. If Owen Electric is the successful bidder, Owen Electric shall, within ten days of the award of the franchise at issue, file with the Commission a copy of the executed franchise agreement and a statement disclosing the amount of the initial franchise fee.

4. If Owen Electric is the successful bidder, Owen Electric shall, within ten days of an increase or decrease in the amount of the initial franchise fee set forth in the franchise agreement, file with the Commission documentation setting forth the revised fee.

5. Any documents filed pursuant to ordering paragraphs 2, 3, or 4 of this Order shall reference the number of this case and shall be electronically submitted via the Commission's electronic Tariff Filing System.

6. This Order shall not be construed as granting a Certificate of Public Convenience and Necessity to construct utility facilities in said city.



By the Commission

ENTERED  
MAR 18 2016  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

*Carm D. Gennard*  
Acting Executive Director *for*

Case No. 2016-00121

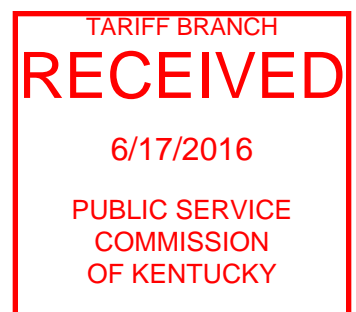
TARIFF BRANCH  
**RECEIVED**  
6/17/2016  
PUBLIC SERVICE  
COMMISSION  
OF KENTUCKY

\*Honorable James M Crawford  
Crawford & Baxter, P.S.C. Attorneys at Law  
523 Highland Avenue  
P. O. Box 353  
Carrollton, KENTUCKY 41008

\*Owen Electric Cooperative, Inc.  
8205 Highway 127 North  
P. O. Box 400  
Owenton, KY 40359

\*Denotes Served by Email

Service List for Case 2016-00121

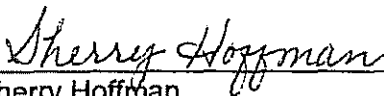




## CERTIFICATION

The undersigned, Sherry Hoffman, City Clerk of the City of Erlanger, in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 2432 was introduced in writing and read to the City Council for the City of Erlanger at regular or special meetings thereof on the 5th day of April, 2016, and at which quorums were present; and said ordinance was enacted by the City Council of the City of Erlanger upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the 3rd day of May, 2016, with the vote of each member of the City Council entered upon the official record of such meeting; and
2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Erlanger, it was submitted to the Mayor of the City of Erlanger who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and
3. The foregoing Ordinance was published on the 12th day of May, 2016, in THE KENTUCKY ENQUIRER, a newspaper qualified therefore, pursuant to the provisions of K.R.S. Chapter 424.

  
\_\_\_\_\_  
Sherry Hoffman  
City Clerk



# ENQUIRER MEDIA

PART OF THE USA TODAY NETWORK

LEGAL NOTICE  
ERLANGER ORDINANCE  
NO. 2432

TITLE

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY, KENTUCKY, CONCERNING THE BID OF OWEN ELECTRIC COOPERATIVE, INC. FOR

A THREE YEAR NON-EXCLUSIVE FRANCHISE FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY THROUGH AND FOR CONSUMPTION WITHIN THE CITY.

Advertiser:

CITY OF ERLANGER

505 COMMONWEALTH AVE  
ERLANGER

KY 41018

## AFFIDAVIT OF PUBLICATION

Newspaper: CIN-EN Kentucky Enquirer

NARRATIVE

LEG AT Erlanger Ordinance No. 2432 was adopted on May 3, 2016 and the Ordinance that accepts the bid of and grants and awards to Owen Electric Cooperative, Inc. a non-exclusive franchise for the use of the public streets, alleys and other public grounds of the city for the transmission and distribution of electricity through and for consumption within the city for the 3 year period of July 1, 2016 through June 30, 2019.

STATE OF OHIO

RE: Order#0001263685

FINES, PENALTIES, FORFEITURES, TAXES OR FEES

No fine, penalty, forfeiture, tax or fee is imposed by Ordinance No. 2432; but the following provisions of section 3.10.8 of Ordinance No. 2378 obligates the Franchisee to pay a franchise fee to the City that the Kentucky Public Service Commission allows the Franchisee to recover from its customers in the City.

3.10.8 Franchise Fee

Pay to the City within thirty (30) days after the end of each calendar quarter a franchise fee equal to three percent (3%) of the gross receipts of the Franchisee from the sale of electricity and natural gas for consumption within the City during the previous calendar quarter, KY, May 12, '16 #1263685

Thomas Soups

Of the The Enquirer, a newspaper printed in Cincinnati, Ohio and published in Cincinnati, in said County and State, and of general circulation in said county, and as to the Kentucky Enquirer published in Ft. Mitchell, Kenton County, Kentucky, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper times, once in each issue as follows:

05/12/16

Subscribed and sworn to me this 24 day of May 2016

Debra Petty

NOTARY PUBLIC



Debra Petty  
Notary Public, State of Ohio  
My Commission Expires  
April 3, 2017

Cincinnati Enquirer

Kentucky Enquirer

Cincinnati.Com

TARIFF BRANCH  
**RECEIVED**  
6/17/2016  
PUBLIC SERVICE  
COMMISSION  
OF KENTUCKY

**LEGAL NOTICE**

ERLANGER ORDINANCE NO. 2432

**TITLE**

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY KENTUCKY ACCEPTING THE BID OF OWEN ELECTRIC COOPERATIVE, INC. FOR A THREE YEAR NON-EXCLUSIVE FRANCHISE FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY THROUGH AND FOR CONSUMPTION WITHIN THE CITY.

**NARRATIVE**

Erlanger Ordinance No. 2432 was enacted on May 3, 2016 and it is an ordinance that accepts the bid of and grants and awards to Owen Electric Cooperative, Inc. a non-exclusive franchise for the use of the public streets, alleys and other public grounds of the city for the transmission and distribution of electricity through and for consumption within the city for the 3 year period of July 1, 2016 through June 30, 2019.

**FINES, PENALTIES, FORFEITURES, TAXES OR FEES**

No fine, penalty, forfeiture, tax or fee is imposed by Ordinance No. 2432; but the following provisions of section 3.10.8 of Ordinance No. 2378 obligates the Franchisee to pay a franchise fee to the City that the Kentucky Public Service Commission allows the Franchisee to recover from its customers in the City.

**3.10.8 Franchise Fee**

Pay to the City within thirty (30) days after the end of each calendar quarter a franchise fee equal to three percent (3%) of the gross receipts of the Franchisee from the sale of electricity and natural gas for consumption within the City during the previous calendar quarter,

