

ORDINANCE NO. 2515

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 JANUARY 1, 2021 THROUGH DECEMBER, 2030.

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 Municipal Order No. 08-04-20-01 established bidding requirements and Ordinance Numbers 2510 and 2511 establishes a non-exclusive ten (10) 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, 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 Municipal Order No. 08-04-20-01 and received the attached bid therefore from Owen for 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 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 and Natural Gas Franchise

Pursuant to Erlanger Municipal Order No. 08-04-20-01 and Ordinance Numbers 2510 and 2511, as amended, and subject to the provisions thereof, Owen is hereby granted a non-exclusive ten (10) 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 that portion of the City for which Owen has been certified by the Public Service Commission of Kentucky, for the period from and including January 1, 2021 through and including December 31, 2030.

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.



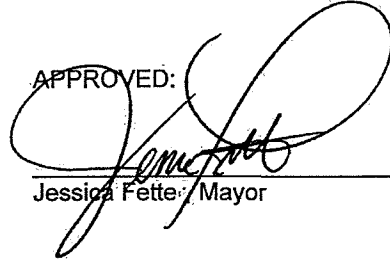
Section 5.0 – Effective Date

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).

APPROVED:



Jessica Fette, Mayor

ATTEST:



Sherry Hoffman, City Clerk

1st Reading: January 5, 2021

Adoption: February 2, 2021

Publication: February 18, 2021

RECEIVED

2/18/2021

PUBLIC SERVICE
COMMISSION
OF KENTUCKY

The City of Erlanger has adopted ORD No. 2515 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 January 1, 2021 through December, 2030 The ordinance may be viewed in full at erlangerky.gov or 505 Commonwealth Avenue, Erlanger, KY 41018, 859-727-2525.

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2/18/2021

PUBLIC SERVICE
COMMISSION
OF KENTUCKY

CONFIRMATION

CITY OF ERLANGER
505 COMMONWEALTH AVE
ERLANGER KY 41018-

PO# Ord # 2515

Account	AD#	Net Amount	Tax Amount	Total Amount	Payment Method	Payment Amount	Amount Due
CIN-620034	0004604198	\$54.84	\$0.00	\$54.84	Invoice	\$0.00	\$54.84

Sales Rep: LMui

Order Taker: LMui

Order Created 02/15/2021

Product	Placement/Classification	# Ins	Start Date	End Date
CIN-EN Kentucky Enquirer	CIN-Public/Legal Notices	1	02/18/2021	02/18/2021
CIN-EN KY Cincinnati.com	CINW-Publi/Legal Notices	1	02/18/2021	02/18/2021

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Text of Ad: 02/15/2021

The City of Erlanger has adopted ORD No. 2515 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 January 1, 2021 through December, 2030. The ordinance may be viewed in full at erlangerkv.gov or 505 Commonwealth Avenue, Erlanger, KY 41018, 859-727-2525.
KY, Feb 18, '21 #4604198

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PUBLIC SERVICE
COMMISSION
OF KENTUCKY

2020 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. 08-04-20-01

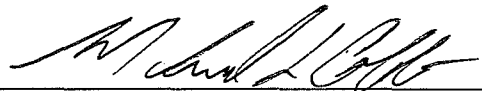
Owen Electric Cooperative, Inc. (hereinafter referred to as "Bidder") bids a sum equal to 3% of gross calendar quarter revenues received from sales of electricity for consumption within the City of Erlanger (as set forth in Ordinance Nos. 2378 and 2382) and with the certified territory of Bidder as recorded 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 October 27, 2020, is attached.

Dated: October 27, 2020

OWEN ELECTRIC COOPERATIVE, INC.

BY: 

Michael L. Cobb, PRESIDENT AND CEO

