



# *Internal* Correspondence

TO: Kay Nickloes

DATE: 11/6/96

FROM: Rick Kappesser

SUBJECT: **GENERAL DOCUMENT FILE**  
**#15500-1 (Elec.) and #15500-5 (Gas)**  
**FRANCHISE ORDINANCE - CITY OF RYLAND HEIGHTS**

On July 2, 1996, The Union Light, Heat and Power Company was awarded a 20 year Gas Franchise and a 20 year Electric Franchise by the City of Ryland Heights.

Copies of the following related documents are enclosed:

- Application for certificate of Public Convenience and Necessity
- Authorization Order of the Commission granting the certificate
- Advertisement for bids - Ordinance #'s 1996-6-2, 1996-6-3
- Bid for Gas and Electric Franchise
- Acceptance of Bids - Ordinance #'s 1996-7-1, 1996-7-2

Please include these documents in the General Documental File #15500-1 for the Electric and Documental File #1500-5 for the Gas. Follow-up is to occur six (6) months prior to the expiration date of July 2, 2016.

RTK:gar

cc: G. Bricking  
H. Boesing  
D. Herche  
D. Rottinghaus  
J. Venneman  
J. Dugan



COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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MAY 20 1996

PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF THE UNION LIGHT, HEAT AND )  
COMPANY FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO BID ON GAS )  
ELECTRIC FRANCHISES IN THE CITY OF KENTON )  
VALE, COMMONWEALTH OF KENTUCKY )

Case No. 96-216

APPLICATION

The Honorable Kentucky Public Service Commission:

The Union Light, Heat and Power Company, Applicant herein, and a utility under Chapter 278 of the Kentucky Revised Statutes, respectfully represents the following in connection with this Application for a Certificate of Public Convenience and Necessity relative to gas and electric franchises in the City of Kenton Vale, Commonwealth of Kentucky.

1. The facts showing that there is a demand and need for such services are as follows:
  - (a) Applicant has been furnishing gas and electric utility service to the area in which the City is located for many years, and no other person, firm or corporation has been furnishing such service in this area;
  - (b) Applicant proposes, subject to obtaining authority to so do from this Commission pursuant to KRS 278.020(3), and upon passage of an ordinance(s) by the City offering for sale the gas and electric franchises, to submit its bids on the said franchises. Should Applicant secure the respective franchises, it will file a copy thereof with the Commission.

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COMMISSION  
OF KENTUCKY


2. The Applicant is engaged in the business of supplying gas and electric service in Boone, Campbell, Gallatin, Grant, Kenton and Pendleton Counties, Kentucky.
3. Applicant's post office address is 107 Brent Spence Square, Covington, Kentucky 41011.
4. Applicant's Articles of Incorporation are on file with the Commission as an Exhibit in Case No. 5301, which Exhibit is incorporated herein by reference.

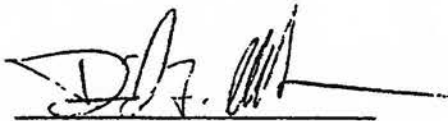
WHEREFORE, Applicant prays that the Commission issue a Certificate of Convenience and Necessity pursuant to KRS 278.020(3), finding that there is a demand and need for the services sought to be rendered under the franchises in the City and authorizing Applicant to bid on said franchises.

Dated at Cincinnati, Ohio this 16<sup>th</sup> day of May 1996.

Respectfully submitted,

THE UNION LIGHT, HEAT AND POWER COMPANY

By   
William J. Grealis  
President

  
James L. Turner  
David T. Musselman  
107 Brent Spence Square  
Covington, Kentucky 41011  
(513) 287-3017

Attorneys for Applicant  
The Union Light, Heat and Power Company





COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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MAY 20 1996

PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF THE UNION LIGHT, HEAT  
AND POWER COMPANY FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
TO BID ON GAS AND ELECTRIC FRANCHISES  
IN THE CITY OF RYLAND HEIGHTS,  
COMMONWEALTH OF KENTUCKY

)  
)  
) Case No. 96-217  
)  
)  
)

APPLICATION

The Honorable Kentucky Public Service Commission:

The Union Light, Heat and Power Company, Applicant herein, and a utility under Chapter 278 of the Kentucky Revised Statutes, respectfully represents the following in connection with this Application for a Certificate of Public Convenience and Necessity relative to gas and electric franchises in the City of Ryland Heights, Commonwealth of Kentucky.

1. The facts showing that there is a demand and need for such services are as follows:
  - (a) Applicant has been furnishing gas and electric utility service to the area in which the City is located for many years, and no other person, firm or corporation has been furnishing such service in this area;
  - (b) Applicant proposes, subject to obtaining authority to so do from this Commission pursuant to KRS 278.020(3), and upon passage of an ordinance(s) by the City offering for sale the gas and electric franchises, to submit its bids on the said franchises. Should Applicant secure the respective franchises, it will file a copy thereof with the Commission.

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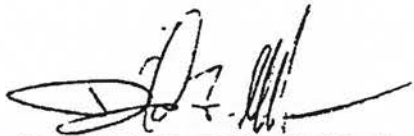
WHEREFORE, Applicant prays that the Commission issue a Certificate of Convenience and Necessity pursuant to KRS 278.020(3), finding that there is a demand and need for the services sought to be rendered under the franchises in the City and authorizing Applicant to bid on said franchises.

Dated at Cincinnati, Ohio this 16<sup>th</sup> day of May 1996.

Respectfully submitted,

THE UNION LIGHT, HEAT AND POWER COMPANY

By   
William J. Grealis  
President



James L. Turner  
David T. Musselman  
107 Brent Spence Square  
Covington, Kentucky 41011  
(513) 287-3017

Attorneys for Applicant  
The Union Light, Heat and Power Company



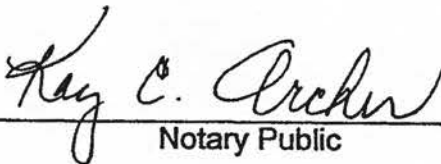
STATE OF OHIO  
HAMILTON COUNTY

} SS  
}

William J. Grealis, being first duly sworn, says that he is President of the Applicant in the proceeding entitled as above, that he has read the attached Application and knows the contents thereof, and that the same is true of his own knowledge.

  
\_\_\_\_\_  
President

Subscribed and sworn to before me this  
16<sup>th</sup> day of May 1996.

  
\_\_\_\_\_  
Notary Public



KAY E. ARCHER  
Notary Public, State of Ohio  
My Commission Expires Jan. 10, 2001

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COMMISSION  
OF KENTUCKY





COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF THE UNION LIGHT, )  
HEAT AND POWER COMPANY FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO BID ON GAS AND ) CASE NO. 96-217  
ELECTRIC FRANCHISES IN THE CITY )  
OF RYLAND HEIGHTS, COMMONWEALTH OF )  
KENTUCKY )

O R D E R

On May 20, 1996, The Union Light, Heat and Power Company ("ULH&P") filed with the Commission its application seeking a Certificate of Convenience and Necessity to qualify it to bid on gas and electric franchises in the city of Ryland Heights, Kentucky. Under the provisions of KRS 278.020(3), no utility may apply for a franchise from any governmental agency until it has obtained a Certificate of Convenience and Necessity from this Commission based on our finding that there is a need and demand for the service sought to be rendered.

The Commission determines that there is evidence of a need and demand for gas and electric 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. ULH&P is granted a Certificate of Convenience and Necessity, which authorizes it to bid on gas and electric franchises in the above-mentioned city.





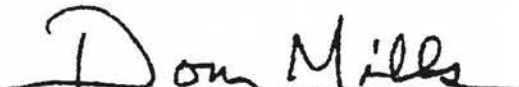
2. ULH&P, if it becomes the successful bidder, shall file with this Commission two copies of each franchise agreement.

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

Done at Frankfort, Kentucky, this 3rd day of June, 1996.

By the Commission

ATTEST:

  
Executive Director





COMMONWEALTH OF KENTUCKY  
PUBLIC SERVICE COMMISSION  
730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 96-217  
THE UNION LIGHT, HEAT AND POWER COMPANY

I, Don Mills, Executive Director of the Public Service Commission, do hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on June 3, 1996.

Parties of Record:

Mr. William J. Grealis  
Mr. Donald J. Rottinghaus  
Hon. James L. Turner

  
Executive Director

DM /dw  
Enclosure



State of Ohio,  
Hamilton County,

SS.

Personally appeared before me, a Notary Public, in and for Hamilton County, Ohio *[Signature]* who, being duly sworn, says that the

annexed Advertisement was published in the

- Cincinnati Enquirer
- Cincinnati Post
- Kentucky Post

Daily Newspapers *one time for ad!*

*June 22, 1996*

commencing on the ..... day of ..... 19..... and that each insertion was upon the same day of the week, viz:

*[Signature]*  
Affiant

Sworn to and subscribed before me this *10* day

of *July* 19*96*

*[Signature]*  
Notary Public

ANITA L. ALEXANDER  
Notary Public, State of Ohio  
My Commission Expires Aug. 7, 2000

ORDINANCE NO. 1996-4-7  
GRANTING AND OFFERING  
FOR SALE A 20-YEAR EX-  
CLUSIVE FRANCHISE TO  
PLACE GAS TRANSPORTA-  
TION AND DISTRIBUTION FAC-  
ILITIES IN PUBLIC STREETS  
OF THE CITY OF RYLAND  
HEIGHTS, KENTUCKY.  
WHEREAS, THE CITY COUN-  
CIL OF THE CITY OF RY-  
LAND HEIGHTS, KENTUCKY  
HEREBY GRANTS AND OFFERS  
FOR SALE TO THE SUCCESSFUL  
BIDDER AN EXCLUSIVE FRANCHISE,  
RIGHT AND PRIVILEGE, FOR  
A PERIOD OF 20 YEARS STARTING  
FROM THE DATE OF ACCEPTANCE OF  
THE BID OF THE SUCCESSFUL BIDDER,  
TO CONSTRUCT, RECONSTRUCT, LAY,  
REPAIR, EXTEND, OPERATE, USE,  
MAINTAIN, ABANDON, REPAIR, RE-  
PLACE AND REMOVE (HEREIN COL-  
LECTIVELY CALLED INSTALL OR INSTAL-  
LATION) MAINS, PIPES, APPARATUS,  
STRUCTURES AND EQUIPMENT FOR THE  
DISTRIBUTION OF GAS (HEREIN COL-  
LECTIVELY CALLED FACILITIES) WITH-  
IN, ABOVE, UNDER AND ACROSS THE  
PUBLIC STREETS, ALLEYS, WAYS,  
PLACES AND GROUNDS OF THE CITY  
(HEREIN COLLECTIVELY CALLED PUBLIC  
PROPERTY). SUCH DISTRIBUTION  
SHALL INCLUDE THE TRANSPORTATION  
OF GAS INTO, THROUGH AND OUT OF  
THE CITY AND TRANSPORTATION TER-  
MINATING WITHIN THE CITY. THE  
SUCCESSFUL BIDDER SHALL NOT EN-  
COMBER PUBLIC PROPERTY BY  
TEMPORARY OBSTRUCTIONS OR EX-  
CAVATIONS ANY LONGER THAN SHALL  
BE NECESSARY IN THE ACCOM-  
PLISHMENT OF SUCH PURPOSES. IF,  
DURING THE FRANCHISE PERIOD, THE  
CITY CONSTRUCTS OR RELOCATES  
PUBLIC PROPERTY OR SEWER LINES,  
WATER LINES OR OTHER UTILITIES  
WITHIN THE BOUNDARIES OF PUBLIC  
PROPERTY AND SUCH CONSTRUCTION  
OR RELOCATION INTERFERES WITH FAC-  
ILITIES OF THE SUCCESSFUL BIDDER,  
THE SUCCESSFUL BIDDER SHALL

within a reasonable time after receiving written request of the Mayor of the City, move or relocate the same within the public property so as not to interfere therewith; but the successful bidder shall not be liable to terminate any service provided by its facilities. Where any such moving or relocation of the successful bidder's facilities is required by any project of the City done in its governmental capacity, such moving or relocation shall be done by the successful bidder at its own expense, but where the same is required by the City acting in a proprietary capacity, it shall be at the City's expense. If during the franchise period the City vacates public property in or on which the successful bidder's facilities are located, the City shall make such provisions as may be necessary to grant the successful bidder the right to retain its facilities at their present locations, along with the rights to operate, maintain, etc. as provided in Section 1 hereof. Section 2. The successful bidder shall render gas service from its facilities to the City and its inhabitants at such rates and under such conditions, including limitations on available supply as may be applicable and effective from time to time throughout the franchise period, as set forth in its filings with the Public Service Commission of Kentucky, and in the rules, regulations, sales policy and service requirements thereof. The gas to be supplied shall be as received by the successful bidder from its sources of supply, both as to kind and quality, except as such gas may from time to time be modified or supplemented through the operation of its production plants. Section 3. Each bid shall specify the rate tariffs which, until thereafter duly changed, shall be applicable to service rendered with the City. Section 4. The successful bidder shall defend and indemnify the City against any suit or claim for any expense or liability whatsoever by reason of the sole negligence of the successful bidder. Section 5. If the successful bidder is unable to secure or procure from other political subdivisions such rights as are necessary for the construction and operation of facilities reasonably needed to provide gas service to the City and its inhabitants, the successful bidder may, upon its giving of notice to the City, be released from all obligations under this Ordinance during the remainder of the franchise period or until such rights are secured or re-secured. If the successful bidder does not, as of the date of the passage of this Ordinance, maintain facilities in the City, such bidder shall commence the construction of the necessary facilities within 120 days after the acceptance of its bid or after receipt of any necessary authorization from the appropriate governmental agencies, whichever is later, and supply gas to the City and all of its inhabitants qualifying for the same, as set forth under Section 2 hereof, within 18 months

Section 7. The City Clerk is hereby directed to advertise, as provided by law, for bids to be received by City Council of the City at its regular meeting to be held at 7:30 p.m. on the 2nd day of July, 1996. Each bid shall be sealed and marked "bid for Gas Franchise", and shall be opened by City Council at such regular meeting. Section 8. This Ordinance and the bid accepted by the Board of Trustees of the City shall, upon passage of the Ordinance accepting the bid, constitute a contract between the City and the person, firm or corporation to which the franchise is awarded. Section 9. This Ordinance shall be effective at the earliest time allowed by law. Passed this 4 day of June, 1996. Kenneth E. Lewellen, Vice Mayor, Chairman.  
ATTEST: Elaine Voorhees, Clerk. 9051/624995

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COMMISSION  
OF KENTUCKY



**THE CINCINNATI ENQUIRER**  
**The Cincinnati Post**  
**The Kentucky Post**

312 ELM STREET  
 CINCINNATI, OHIO 45202-2754  
 (513) 721-2700

**AFFIDAVIT**

( CASE NUMBER ) RICHARD T.  
 ( CAPTION COPY ) ORD. #1996-6-2  
 ( QUOTED COST ) \$203.11  
 ( AD # ) 09259

**ORDINANCE NO. 1996-6-2**  
**GRANTING AND OFFERING FOR SALE TO WITH EXCLUSIVE FRANCHISE TO PLACE ELECTRIC TRANSPORTATION AND DISTRIBUTION FACILITIES IN PUBLIC STREETS OF THE CITY OF RYLAND HEIGHTS, KENTON COUNTY, KENTUCKY. THE CITY COUNCIL OF THE CITY OF RYLAND HEIGHTS, KENTUCKY DOES ORDAIN AS FOLLOWS: Section 1. The City of Ryland Heights hereby grants and offers for sale to the successful bidder an exclusive franchise, consent, right and privilege, for a period of 20 years starting from the date of acceptance of the bid of the successful bidder, to construct, reconstruct, erect, extend, operate, maintain, repair, replace and remove (herein collectively called install or installation) poles, wires, cables, apparatus, fixtures and equipment for the distribution of electricity (herein collectively called facilities) within, along, under and across public streets, ways, places and grounds of the City (herein collectively called public property). Such transmission shall include the transmission of electricity into, through and out of the City and transmission terminating within the City. The successful bidder may, in its discretion, install and all facilities overhead. The successful bidder shall not encumber public property by temporary obstructions or excavations any longer than shall be necessary in the accomplishment of such purposes. If during the franchise period, the City constructs or relocates public property or sewer lines, water lines or other utilities owned by the City, located within the bounds of any public property and such construction or relocation interferes with facilities of the successful bidder, the successful bidder shall, within a reasonable time after receiving written request of the Mayor of the City, move or relocate the same within public property so as not to interfere therewith. The successful bidder shall not be required to terminate any service provided by its franchise. Where any such moving or relocation of the successful bidder's facilities is required by any project of the City done in its governmental capacity, such moving or relocation shall be done at its own expense, but where the same is required by the City acting in a proprietary capacity, it shall be at the City's expense. The successful bidder shall have the right, without payment of fees, to cut, trim or remove any trees, overhanging branches or other obstructions on public property which in the opinion of the appropriate engineer of the successful bidder may endanger or interfere with the efficient installation of facilities. If during the franchise period, the City vacates public property in or on which the successful bidder's facilities are located, the City shall make such provisions as may be necessary to grant the successful bidder the right to retain its facilities at their present locations, along with the rights to operate, maintain, etc. as provided in Section 1 hereof. Section 2. The successful bidder shall render electric service from its facilities to the City and its inhabitants at such terms and under such conditions as may be applicable and effective from time to time throughout the franchise period, as set forth in its filings with the Public Service Commission of Kentucky, and in the rules, regulations, and service requirements thereof. The electric service to be rendered shall be alternating current, 60 Hz, single or three phase service, supplied within the appropriate range for successful bidder's standard secondary voltage for each respective type of service. Section 3. Each bid shall specify the rate tariffs which, until thereafter duly changed, shall be applicable to service rendered within the City. Section 4. The successful bidder shall defend and indemnify the City against any suit or claim for any expense or liability whatsoever by reason of the sole negligence of the successful bidder. Section 5. If the successful bidder is unable to secure or recover from other parties subdivisions such rights as are necessary for the construction or operation of facilities reasonably needed to provide electric service to the City and its inhabitants, the successful bidder may, upon its giving of notice to the City, be released from all obligations under this Ordinance during the remainder of the franchise period or until such rights are secured or recovered. If the successful bidder does not, as of the date of the passage of this Ordinance, maintain facilities within 120 days after the acceptance of its bid or after receipt of any necessary authorization from the appropriate governmental agencies, whichever is later, to supply electricity to the City and all of its inhabitants qualifying for the same, as set forth under Section 2 hereof, within 18 months after such date, or this franchise shall be void. Section 6. The words successful bidder and his, its or their heirs, successors and assigns, each of which must, upon rendering service hereunder, be a utility providing electric service under K.R.S. 227B.010 and any succeeding section. The word City means the City of Ryland Heights, Kenton County, Kentucky, its successors and assigns, as it now exists or as changed through annexation, merger, consolidation or other proceedings. Section 7. The City Clerk is hereby directed to advertise, as provided by law, for bids for this franchise; such bids to be received by City Council at its regular meeting to be held at 7:00 p.m. on the 2nd day of July, 1996. Each bid shall be sealed and marked "Bid for Electric Franchise", and shall be opened by City Council at such regular meeting. Section 8. This Ordinance and the bid accepted by the City Council of the City shall, upon passage of the Ordinance accepting the bid, constitute a contract between the City and the person, firm or corporation to which the franchise is awarded. Section 9. This Ordinance shall be effective at the earliest time allowed by law. Passed this 4 day of June, 1996. Kenneth E. Lawless, Vice Mayor, Chairman. ATTEST: Elaine Voorhees, Clerk. 825107**

STATE OF OHIO, SS.  
 HAMILTON COUNTY,

PERSONALLY APPEARED BEFORE ME,

A NOTARY PUBLIC, IN AND FOR HAMILTON COUNTY, OHIO *Sandra Mitchell*

WHO, BEING DULY SWORN, SAYS THAT THE ANNEXED ADVERTISEMENT WAS PUBLISHED IN THE

KENTUCKY POST

DAILY NEWSPAPERS 1 TIMES TO WIT:

*June 22, 1996*

*Sandra Mitchell*  
 AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS

*24* DAY OF *June 1996*

*Anita L. Alexander*

NOTARY PUBLIC  
 ANITA L. ALEXANDER  
 Notary Public, State of Ohio  
 My Commission Expires Aug. 7, 2000



A WORLD OF DIFFERENT VOICES  
 WHERE FREEDOM SPEAKS

TARIFF BRANCH  
**RECEIVED**  
 10/18/2012  
 PUBLIC SERVICE  
 COMMISSION  
 OF KENTUCKY

ORDINANCE NO. 1996-6-2

**GRANTING AND OFFERING FOR SALE A 20-YEAR EXCLUSIVE  
FRANCHISE TO PLACE ELECTRIC TRANSPORTATION AND  
DISTRIBUTION FACILITIES IN PUBLIC STREETS OF THE  
CITY OF RYLAND HEIGHTS, KENTON COUNTY, KENTUCKY.**

**THE CITY COUNCIL OF THE CITY OF RYLAND HEIGHTS,  
KENTUCKY DOES ORDAIN AS FOLLOWS:**

Section 1. The City of RYLAND HEIGHTS hereby grants and offers for sale to the successful bidder an exclusive franchise, consent, right and privilege, for a period of 20 years starting from the date of acceptance of the bid of the successful bidder, to construct, reconstruct, erect, extend, operate, maintain, repair, replace and remove (herein collectively called install or installation) poles, wires, cables, apparatus, fixtures and equipment for the transmission and distribution of electricity (herein collectively called facilities) within, along, over, under and across the public streets, alleys, ways, places and grounds of the City (herein collectively called public property). Such transmission shall include the transmission of electricity into, through and out of the City and transmission terminating within the City. The successful bidder may, in its discretion, install any and all facilities overhead. The successful bidder shall not encumber public property by temporary obstructions or excavations any longer than shall be necessary in the accomplishment of such purposes. If, during the franchise period, the City constructs or relocates public property or sewer lines, water lines or other utilities owned by the City, located within the boundaries of any public property and such construction or relocation interferes with facilities of the successful bidder, the successful bidder shall, within a

TARIFF BRANCH  
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reasonable time after receiving written request of the Mayor of the City, move or relocate the same within public property so as not to interfere therewith; but the successful bidder shall not be required to terminate any service provided by its facilities. Where any such moving or relocation of the successful bidder's facilities is required by any project of the City done in its governmental capacity, such moving or relocation shall be done by the successful bidder at its own expense, but where the same is required by the City acting in a proprietary capacity, it shall be at the City's expense. The successful bidder shall have the right, without payment of fees, to cut, trim or remove any trees, overhanging branches or other obstructions on public property which in the opinion of the appropriate engineer of the successful bidder may endanger or interfere with the efficient installation of facilities. If during the franchise period the City vacates public property in or on which the successful bidder's facilities are located, the City shall make such provisions as may be necessary to grant the successful bidder the right to retain its facilities at their present locations, along with the rights to operate, maintain, etc. as provided in Section 1 hereof.

Section 2. The successful bidder shall render electric service from its facilities to the City and its inhabitants at such rates and under such conditions as may be applicable and effective from time to time throughout the franchise period, as set forth in its filings with the Public Service Commission of Kentucky, and in the rules, regulations, and service requirements thereof. The electric service to be rendered shall be alternating current, 60 Hz, single or three phase service, supplied within the appropriate range for successful bidder's standard secondary voltage for each respective type of service.





Section 3. Each bid shall specify the rate tariffs which, until thereafter duly changed, shall be applicable to service rendered within the City.

Section 4. The successful bidder shall defend and indemnify the City against any suit or claim for any expense or liability whatsoever by reason of the sole negligence of the successful bidder.

- Section 5. If the successful bidder is unable to secure or re-secure from other political subdivisions such rights as are necessary for the construction or operation of facilities reasonably needed to provide electric service to the City and its inhabitants, the successful bidder may, upon its giving of notice to the City, be released from all obligations under this Ordinance during the remainder of the franchise period or until such rights are secured or re-secured. If the successful bidder does not, as of the date of the passage of this Ordinance, maintain facilities in the City, such bidder shall commence the construction of the necessary facilities within 120 days after the acceptance of its bid or after receipt of any necessary authorization from the appropriate governmental agencies, whichever is later, and supply electricity to the City and all of its inhabitants qualifying for the same, as set forth under Section 2 hereof, within 18 months after such date, or this franchise shall be void.

Section 6. The words successful bidder mean the successful bidder and his, its or their heirs, successors and assigns, each of which must, upon rendering service hereunder, be a utility providing electric service under K.R.S. 8278.010 and any succeeding section.

The word City means the City of RYLAND HEIGHTS, KENTON County, Kentucky, its



successors and assigns, as it now exists or as changed through annexation, reduction of its boundaries, merger, consolidation, or other similar proceedings.

Section 7. The City Clerk is hereby directed to advertise, as provided by law, for bids for this franchise; such bids to be received by City Council of the City at its regular meeting to be held at \_\_\_\_\_ p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_-. Each bid shall be sealed and marked "Bid for Electric Franchise", and shall be opened by City Council at such regular meeting.

Section 8. This Ordinance and the bid accepted by the City Council of the City shall, upon passage of the Ordinance accepting the bid, constitute a contract between the City and the person, firm or corporation to which the franchise is awarded.

Section 9. This Ordinance shall be effective at the earliest time allowed by law.

Passed this 4 day of June, 1996.

*Kenneth E. Lewellen, vice mayor*  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk



ORDINANCE NO. 1996-6-3

**GRANTING AND OFFERING FOR SALE A 20-YEAR  
EXCLUSIVE FRANCHISE TO PLACE GAS TRANSPORTATION  
AND DISTRIBUTION FACILITIES IN PUBLIC STREETS OF THE  
CITY OF RYLAND HEIGHTS, KENTON COUNTY, KENTUCKY.**

**THE CITY COUNCIL OF THE CITY OF RYLAND HEIGHTS,  
KENTUCKY DOES ORDAIN AS FOLLOWS:**

Section 1. The City of RYLAND HEIGHTS hereby grants and offers for sale to the successful bidder an exclusive franchise, consent, right and privilege, for a period of 20 years starting from the date of acceptance of the bid of the successful bidder, to construct, reconstruct, lay, erect, extend, operate, use, maintain, abandon, repair, replace and remove (herein collectively called install or installation) mains, pipes, apparatus, fixtures and equipment for the distribution of gas (herein collectively called facilities) within, along, under and across the public streets, alleys, ways, places and grounds of the City (herein collectively called public property). Such distribution shall include the transportation of gas into, through and out of the City and transportation terminating within the City. The successful bidder shall not encumber public property by temporary obstructions or excavations any longer than shall be necessary in the accomplishment of such purposes. If, during the franchise period, the City constructs or relocates public property or sewer lines, water lines or other utilities owned by the City, located within the boundaries of public property and such construction or relocation interferes with facilities of the successful bidder, the successful bidder shall, within a reasonable time after





receiving written request of the Mayor of the City, move or relocate the same within the public

-2-

property so as not to interfere therewith; but the successful bidder shall not be required to terminate any service provided by its facilities. Where any such moving or relocation of the successful bidder's facilities is required by any project of the City done in its governmental capacity, such moving or relocation shall be done by the successful bidder at its own expense, but where the same is required by the City acting in a proprietary capacity, it shall be at the City's expense. If during the franchise period the City vacates public property in or on which the successful bidder's facilities are located, the City shall make such provisions as may be necessary to grant the successful bidder the right to retain its facilities at their present locations, along with the rights to operate, maintain, etc. as provided in Section 1 hereof.

Section 2. The successful bidder shall render gas service from its facilities to the City and its inhabitants at such rates and under such conditions, including limitations on available supply, as may be applicable and effective from time to time throughout the franchise period, as set forth in its filings with the Public Service Commission of Kentucky, and in the rules, regulations, sales policy and service requirements thereof. The gas to be supplied shall be as received by the successful bidder from its sources of supply, both as to kind and quality, except as such gas may from time to time be modified or supplemented through the operation of its production plants.



Section 3. Each bid shall specify the rate tariffs which, until thereafter duly changed, shall be applicable to service rendered within the City.

-3-

Section 4. The successful bidder shall defend and indemnify the City against any suit or claim for any expense or liability whatsoever by reason of the sole negligence of the successful bidder.

- Section 5. If the successful bidder is unable to secure or re-secure from other political subdivisions such rights as are necessary for the construction or operation of facilities reasonably needed to provide gas service to the City and its inhabitants, the successful bidder may, upon its giving of notice to the City, be released from all obligations under this Ordinance during the remainder of the franchise period or until such rights are secured or re-secured. If the successful bidder does not, as of the date of the passage of this Ordinance, maintain facilities in the City, such bidder shall commence the construction of the necessary facilities within 120 days after the acceptance of its bid or after receipt of any necessary authorization from the appropriate governmental agencies, whichever is later, and supply gas to the City and all of its inhabitants qualifying for the same, as set forth under Section 2 hereof, within 18 months after such date, or this franchise shall be void.

Section 6. The words successful bidder mean the successful bidder and his, its or their heirs, successors and assigns, each of which must, upon rendering service hereunder, be a utility providing gas service under K.R.S. 8278.010 and any succeeding section. The word City means the City of RYLAND HEIGHTS, KENTON County, Kentucky, its



successors and assigns, as it now exists or as changed through annexation, reduction of its boundaries, merger, consolidation, or other similar proceedings.

-4-

Section 7. The City Clerk is hereby directed to advertise, as provided by law, for bids for this franchise; such bids to be received by City Council of the City at its regular meeting to be held at \_\_\_\_\_ p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Each bid shall be sealed and marked "Bid for Gas Franchise", and shall be opened by City Council at such regular meeting.

Section 8. This Ordinance and the bid accepted by the Board of Trustees of the City shall, upon passage of the Ordinance accepting the bid, constitute a contract between the City and the person, firm or corporation to which the franchise is awarded.

Section 9. This Ordinance shall be effective at the earliest time allowed by law.

Passed this 4 day of June, 1996.

*Kenneth E. Leuellan, vice mayor*  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk





HONORABLE CITY COUNCIL  
CITY OF RYLAND HEIGHTS

BID FOR ELECTRIC FRANCHISE

In response to your offer contained in Ordinance No. 1996-6-2 passed by you on June 4, 1996, entitled:

AN ORDINANCE PROVIDING FOR THE LETTING AT PUBLIC BIDDING OF A FRANCHISE, RIGHT AND PRIVILEGE OF ENTERING WITHIN, ALONG, OVER, UNDER AND ACROSS THE STREETS, ALLEYS AND HIGHWAYS AND PUBLIC PLACES OF THE CITY OF RYLAND HEIGHTS, A MUNICIPAL CORPORATION OF THE FOURTH CLASS SITUATED IN KENTON COUNTY, KENTUCKY, TO CONSTRUCT, RECONSTRUCT, ERECT, EXTEND, OPERATE, MAINTAIN, REPAIR, REPLACE, AND REMOVE POLES, ANCHORING SYSTEMS, MANHOLES, PULLBOXES, SURFACE MOUNTED EQUIPMENT, CONDUIT, WIRES, CABLES, APPARATUS, FIXTURES AND EQUIPMENT FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY FOR TWENTY YEARS TO PROVIDE THE TERMS AND CONDITIONS OF GRANTING SUCH FRANCHISE, RIGHT AND PRIVILEGE TO THE HIGHEST AND BEST BIDDER.

In compliance with the provisions of Section 3 of such Ordinance, the attached tariff, which is made a part hereof, shall upon acceptance hereof and due filing, be applicable to service rendered within the City, until lawfully changed.

Respectfully submitted,

THE UNION LIGHT, HEAT AND POWER COMPANY

By: 



ORDINANCE NO. 1996-7-1

ACCEPTING THE BID OF THE UNION LIGHT,  
HEAT AND POWER COMPANY AS HIGHEST AND  
BEST BIDDER UNDER ORDINANCE NO. 1996-6-2

THE CITY COUNCIL OF THE CITY OF RYLAND HEIGHTS DOES ORDAIN AS  
FOLLOWS:

SECTION 1. That The Union Light, Heat and Power Company is the highest and best bidder of the sale of the franchise granted by Ordinance No. 1996-6-2, passed by the City Council of the City of Ryland Heights, at its regular meeting held on the 4th day of June, 1996, and that the bid of such Company is accepted and The Union Light, Heat and Power Company is hereby designated as the grantee of such franchise.

SECTION 2. That this Ordinance shall be effective at the earliest time allowed by law.

Passed this 2 day of July, 1996

Kenneth E. Leavelle  
Mayor

ATTEST:

Janie G. Voorhees  
Clerk



STATE OF KENTUCKY

COUNTY OF KENTON

CITY OF RYLAND HEIGHTS

I, Elaine G. Voorhees, Clerk of the City of Ryland Heights, Kenton County, Kentucky, do hereby certify that the foregoing bid of The Union Light, Heat and Power Company is a true and correct copy of said bid, filed with the records of the City of Ryland Heights, under Ordinance No. 1996- - passed the 2 day of July, 1996, and recorded in the official journal of said City.

Given under my hand and the seal of the City of Ryland Heights, Kenton County, Kentucky, this 2 day of July, 1996.

Kenneth E. Lovell  
Mayor *vice mayor*

ATTEST:

Elaine G. Voorhees  
Clerk

TARIFF BRANCH  
**RECEIVED**  
10/18/2012  
PUBLIC SERVICE  
COMMISSION  
OF KENTUCKY



HONORABLE CITY COUNCIL  
CITY OF RYLAND HEIGHTS

BID FOR GAS FRANCHISE


In response to your offer contained in Ordinance No. 1996-6-3 passed by you on June 4, 1996, entitled:

AN ORDINANCE PROVIDING FOR THE LETTING AT PUBLIC BIDDING OF A FRANCHISE, RIGHT AND PRIVILEGE OF ENTERING IN AND UPON THE STREETS, ALLEYS AND HIGHWAYS AND PUBLIC PLACES OF THE CITY OF RYLAND HEIGHTS, A MUNICIPAL CORPORATION OF THE FOURTH CLASS SITUATED IN KENTON COUNTY, KENTUCKY, TO CONSTRUCT, RECONSTRUCT, LAY, ERECT, EXTEND, OPERATE, MAINTAIN, REPAIR, REPLACE, ADJUST AND REMOVE MAINS, PIPES, REGULATORS, APPARATUS, FIXTURES AND EQUIPMENT FOR THE TRANSMISSION AND DISTRIBUTION OF GAS FOR TWENTY YEARS TO PROVIDE THE TERMS AND CONDITIONS OF GRANTING SUCH FRANCHISE, RIGHT AND PRIVILEGE TO THE HIGHEST AND BEST BIDDER.

In compliance with the provisions of Section 3 of such Ordinance, the attached tariff, which is made a part hereof, shall upon acceptance hereof and due filing, be applicable to service rendered within the City, until lawfully changed.

Respectfully submitted,

THE UNION LIGHT, HEAT AND POWER COMPANY

By: 



ORDINANCE NO. 1996-7-2

ACCEPTING THE BID OF THE UNION LIGHT,  
HEAT AND POWER COMPANY AS HIGHEST AND  
BEST BIDDER UNDER ORDINANCE NO. 1996-6-3

THE CITY COUNCIL OF THE CITY OF RYLAND HEIGHTS DOES ORDAIN AS  
FOLLOWS:

SECTION 1. That The Union Light, Heat and Power Company is the highest and best bidder of the sale of the franchise granted by Ordinance No. 1996-6-3, passed by the City Council of the City of Ryland Heights, at its regular meeting held on the 4th day of June, 1996, and that the bid of such Company is accepted and The Union Light, Heat and Power Company is hereby designated as the grantee of such franchise.

SECTION 2. That this Ordinance shall be effective at the earliest time allowed by law.

Passed this 2 day of July, 1996

Kenneth E. Seemiller  
Mayor *vice mayor*

ATTEST:

Elaine G. Tabor  
Clerk



STATE OF KENTUCKY

COUNTY OF KENTON

CITY OF RYLAND HEIGHTS

I, Elaine G. Voorhes, Clerk of the City of Ryland Heights, Kenton County, Kentucky, do hereby certify that the foregoing bid of The Union Light, Heat and Power Company is a true and correct copy of said bid, filed with the records of the City of Ryland Heights, under Ordinance No. 1996 - - passed the 7 day of July, 1996 and recorded in the official journal of said City.

Given under my hand and the seal of the City of Ryland Heights, Kenton County, Kentucky, this 7 day of July, 1996

Kenneth E. Lumm  
Mayor *via mayor.*

ATTEST:

Elaine G. Voorhes  
Clerk





THE CINCINNATI ENQUIRER  
THE CINCINNATI POST  
THE KENTUCKY POST

312 ELM STREET  
CINCINNATI, OHIO 45202-2754  
(513) 721-2700  
AFFIDAVIT

( CASE NUMBER ) RICHARD T.  
( CAPTION COPY ) ORD. #1996-7-2  
( QUOTED COST ) \$52.96  
( AD # ) 14789

STATE OF OHIO, SS.  
HAMILTON COUNTY,  
PERSONALLY APPEARED BEFORE ME,

A NOTARY PUBLIC, IN AND FOR HAMILTON  
COUNTY, OHIO *Lisa Burnett*

WHO, BEING DULY SWORN, SAYS THAT THE  
ANNEXED ADVERTISEMENT WAS PUBLISHED  
IN THE  
KENTUCKY POST

DAILY NEWSPAPERS 1 TIMES TO WIT:

.... *October 24, 1996* .....

*Lisa Burnett*  
.....  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS

*29* DAY OF *October 1996*

*Anita L. Alexander*  
.....

NOTARY PUBLIC  
ANITA L. ALEXANDER  
Notary Public, State of Ohio  
My Commission Expires Aug. 7, 2000

ORDINANCE NO. 1996-7-2  
ACCEPTING THE BID OF THE  
UNION LIGHT, HEAT AND  
POWER COMPANY AS HIGH-  
EST AND BEST BIDDER UN-  
DER ORDINANCE NO. 1996-6-3.  
THE CITY COUNCIL OF THE  
CITY OF RYLAND HEIGHTS,  
DOES ORDAIN AS FOLLOWS:  
SECTION 1. That The Union  
Light, Heat and Power Com-  
pany is the highest and best bid-  
der of the sale of the franchise  
granted by Ordinance No.  
1996-6-3, passed by the City  
Council of the City of Ryland  
Heights, at its regular meeting  
held on the 4th day of June,  
1996, and that the bid of such  
Company is accepted and The  
Union Light, Heat and Power  
Company is hereby designated  
as the grantee of such fran-  
chise. SECTION 2. That this Or-  
dinance shall be effective at the  
earliest time allowed by law.  
Passed this 2nd day of July,  
1996. Kenneth E. Lewellen, Vice  
Mayor. ATTEST: Elaine G.  
Voorhees, Clerk. STATE OF  
KENTUCKY, COUNTY OF  
KENTON, CITY OF RYLAND  
HEIGHTS. I, Elaine G.  
Voorhees, Clerk of the City of  
Ryland Heights, Kenton County,  
Kentucky, do hereby certify  
that the foregoing bid of The  
Union Light, Heat and Power  
Company is a true and correct  
copy of said bid, filed with the  
records of the City of Ryland  
Heights, under Ordinance No.  
1996- passed the 2nd day of  
July, 1996 and recorded in the  
official journal of said City. Giv-  
en under my hand and seal of  
the City of Ryland Heights,  
Kenton County, Kentucky, this  
2nd day of July, 1996. Kenneth  
E. Lewellen, Vice Mayor. AT-  
TEST: Elaine G. Voorhees,  
Clerk. 14789/997816



A WORLD OF DIFFERENT VOICES  
WHERE FREEDOM SPEAKS

TARIFF BRANCH  
**RECEIVED**  
10/18/2012  
PUBLIC SERVICE  
COMMISSION  
OF KENTUCKY

THE CINCINNATI ENQUIRER  
THE CINCINNATI POST  
THE KENTUCKY POST

312 ELM STREET  
CINCINNATI, OHIO 45202-2754  
(513) 721-2700

AFFIDAVIT

( CASE NUMBER ) RICHARD T.  
( CAPTION COPY ) ORD. #1996-7-1  
( QUOTED COST ) \$52.96  
( AD # ) 15029

STATE OF OHIO, SS.  
HAMILTON COUNTY,  
PERSONALLY APPEARED BEFORE ME,

A NOTARY PUBLIC, IN AND FOR HAMILTON  
COUNTY, OHIO .....

WHO, BEING DULY SWORN, SAYS THAT THE  
ANNEXED ADVERTISEMENT WAS PUBLISHED  
IN THE  
KENTUCKY POST

DAILY NEWSPAPERS 1 TIMES TO WIT:

..... October 26, 1996 .....

.....  
.....  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS

..... 29 DAY OF October 1996 .....

.....  
.....  
NOTARY PUBLIC

ANITA L. ALEXANDER  
Notary Public, State of Ohio  
My Commission Expires Aug. 7, 2000

RECEIVED

10/18/2012

PUBLIC SERVICE  
COMMISSION  
OF KENTUCKY

ORDINANCE NO. 1996-7-1  
ACCEPTING THE BID OF THE  
UNION LIGHT HEAT AND  
POWER COMPANY AS HIGH-  
EST AND BEST BIDDER UN-  
DER ORDINANCE NO. 1996-6-2.  
THE CITY COUNCIL OF THE  
CITY OF RYLAND HEIGHTS  
DOES ORDAIN AS FOLLOWS:  
SECTION 1. That The Union  
Light, Heat and Power Com-  
pany is the highest and best bid-  
der of the sale of the franchise  
granted by Ordinance No.  
1996-6-2, passed by the City  
Council of the City of Ryland  
Heights, at its regular meeting  
held on the 4th day of June,  
1996, and that the bid of such  
Company is accepted and The  
Union Light, Heat and Power  
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as the grantee of such fran-  
chise. SECTION 2. That this Or-  
dinance shall be effective at the  
earliest time allowed by law.  
Passed this 2nd day of July,  
1996. Kenneth E. Lewellen, Vice  
Mayor. ATTEST: Elaine G.  
Voorhees, Clerk. STATE OF  
KENTUCKY, COUNTY OF  
KENTON, CITY OF RYLAND  
HEIGHTS. I, Elaine G.  
Voorhees, Clerk of the City of  
Ryland Heights, Kenton County,  
Kentucky, do hereby certify  
that the foregoing bid of The  
Union Light, Heat and Power  
Company is a true and correct  
copy of said bid, filed with the  
records of the City of Ryland  
Heights, under Ordinance No.  
1996- passed the 2nd day of  
July, 1996 and recorded in the  
official journal of said City. Giv-  
en under my hand and seal of  
the City of Ryland Heights,  
Kenton County, Kentucky, this  
2nd day of July, 1996. Kenneth  
E. Lewellen, Vice Mayor. AT-  
TEST: Elaine G. Voorhees,  
Clerk. 15029/997827



A WORLD OF DIFFERENT VOICES  
WHERE FREEDOM SPEAKS