

ORDINANCE NO. 2514

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY KENTUCKY ACCEPTING THE BID OF AND GRANTING TO DUKE ENERGY KENTUCKY, 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 BOTH NATURAL GAS AND ELECTRICITY THROUGH AND FOR CONSUMPTION WITHIN THE CITY FOR THE PERIOD OF JANUARY 1, 2021 THROUGH DECEMBER, 2030.

WHEREAS, Duke Energy Kentucky, Inc. (“Duke Energy”) 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 Duke Energy 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 Duke Energy is hereby determined to be the highest and best bid for the territory within the City for which Duke Energy 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, Duke Energy 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 Duke Energy 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 Fetter, Mayor

ATTEST:

Sherry Hoffman, City Clerk

1st Reading: January 5, 2021

Adoption: February 2, 2021

Publication: February 18, 2021