

**CITY OF HIGHLAND HEIGHTS, KENTUCKY
ORDINANCE NO. #10-2020**

**AN ORDINANCE ACCEPTING THE BID OF
DUKE ENERGY KENTUCKY, 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
BOTH NATURAL GAS AND ELECTRICITY
THROUGH AND FOR CONSUMPTION
WITHIN THE CITY.**

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 KRS 96.010 through 96.045 and KRS 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, Duke Energy does not currently have a franchise for the use the streets, alleys and public grounds of the City for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City; and

WHEREAS, Ordinance 01-2020 of the City 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, pursuant to the requirements of Section 164 of the Kentucky Constitution and KRS Chapter 424, the City advertised for bids for the franchise established by Ordinance 01-2020 and publicly received a bid from Duke Energy for both an electric and a natural gas franchise a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, Duke Energy has been certified by the Public Service Commission of Kentucky for different territories pursuant KRS Chapter 278 and all territory located within the City.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF HIGHLAND
HEIGHTS, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

Section I – 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 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 II – Grant of Electric and Natural Gas Franchise

Pursuant to City of Highland Heights Ordinance 01-2020, as amended, and subject to the provisions thereof, Duke Energy 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 either or both electricity and natural gas through and for consumption within the City.

Section III – 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 IV – 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 V – Effective Date and Publication

This Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law after publication in summary pursuant to KRS 83A.060(9).

PASSED by City Council of the City of Highland Heights, Campbell County, Kentucky assembled in regular session.

First Reading: November 3, 2020

Second Reading: December 1, 2020


MAYOR GREGORY V. MEYERS

ATTEST:

JEANNE M. PETTIT
CITY CLERK/TREASURER