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Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

Application of OHIO VALLEY ELECTRIC CORPORATION for an order authorizing, to the extent such authorization is required by law, Ohio Valley Electric Corporation to continue rendering electric utility services from March 31, 1979, through December 31, 1979, to the United States of America (acting by and through the Secretary of Energy) at its Portsmouth (Ohio) uranium enrichment project.

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SEP 19 1978

DOCKETING DIVISION
PUBLIC UTILITIES COMMISSION OF OHIO

78-1253-OL-AEC

APPLICATION

To the Honorable, The Public Utilities Commission of Ohio:

Your applicant, Ohio Valley Electric Corporation, hereinafter referred to as OVEC, is a corporation organized under the laws of the State of Ohio which renders electric utility services to the United States of America, acting by and through the Secretary of Energy, the statutory head of the Department of Energy, hereinafter referred to as DOE, at its Portsmouth (Ohio) uranium enrichment project pursuant to a power agreement dated October 15, 1952, between OVEC and the United States of America, acting by and through the United States Atomic Energy Commission prior to January 19, 1975, and subsequent to January 18, 1975, the Administrator of Energy Research and Development, and subsequent to September 30, 1977, DOE, as modified, being hereinafter referred to as the DOE Power Agreement.

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPH APPEARING ON THIS FILM STRIP IS AN
ACCURATE AND COMPLETE REPRODUCTION OF A DOCUMENT CONTAINED IN CASE NO. 78-1253-OL-AEC
AS DELIVERED IN THE REGULAR COURSE OF BUSINESS FOR PHOTOGRAPHING.
CAMERA OPERATOR *[Signature]* DATE PROCESSED 9/20/78

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78-1053-EL-AEC

The DOE Power Agreement was approved by, and filed with, this Commission pursuant to an order dated January 29, 1953, in proceeding No. 23,719. Modifications Nos. 1, 2, 3, 4, 5, 6, 7 and 8 to the DOE Power Agreement were approved by, and filed with, this Commission pursuant to orders dated July 21, 1950, April 27, 1964, July 27, 1966, January 30, 1967, August 22, 1967, August 4, 1970, June 16, 1976 and July 26, 1977, respectively, in proceedings Nos. 24,150, 32,418, 34,029, 34,346, 34,690, 36,636, -427-ATR and 77-924-EL-ATR, respectively. The DOE Power Agreement and Modifications Nos. 1, 2, 3, 4, 5, 6, 7 and 8 thereto are incorporated herein by reference collectively as Exhibit "A".

OVEC and DOE have agreed that OVEC is to continue rendering electric utility services to DOE from March 31, 1979, when the term of the DOE Power Agreement would otherwise expire, through December 31, 1979, on the terms provided in the DOE Power Agreement. A copy of Modification No. 9 to the DOE Power Agreement, dated as of July 1, 1978, expressing such agreement is annexed hereto as Exhibit "B" and made a part hereof.

The application made hereby is not for an increase in any rate, joint rate, toll, classification, charge or rental.

WHEREFORE, your applicant OVEC respectfully prays for an order authorizing, to the extent such

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78-1653-EC-AEC

authorization is required by law, your applicant OVEC
to continue rendering electric utility services to DOE
from March 31, 1979, through December 31, 1979, on the
foregoing terms.

Your applicant OVEC respectfully prays for
all other and proper relief and orders which the
Commission, in the exercise of its jurisdiction,
may determine proper and find that the circumstances
require in the premises and in order to authorize the
performance of said agreement.

LAYLIN AND SHAWAN

[Signature]
Attorneys for Ohio Valley
Electric Corporation

OHIO VALLEY ELECTRIC CORPORATION

By [Signature]
Vice President

By [Signature]
Secretary



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STATE OF OHIO)
 : ss.:
COUNTY OF PIKE)

Before me, a Notary Public, in and for Pike
County in the State of Ohio, personally appeared Ivan O.
Hawk, Vice President, and Thomas N. Ward, Secretary,
respectively, of OHIO VALLEY ELECTRIC CORPORATION, the
Applicant in the foregoing application, and each being
duly sworn says that the facts and allegations herein
contained are true to the best of his knowledge and
belief.

Ivan O. Hawk
Vice President

Thomas N. Ward
Secretary

Sworn to and subscribed
before me this 19 day
of September, 1978.

Marie B. Juenger
Notary Public
MARIE B. JUENGER
Notary Public
Ross and Pike Counties, Ohio
My Commission Expires May 24, 1980



5574 RW-2

EXHIBIT B

Modification No. 9

to

POWER AGREEMENT

Dated October 15, 1952

between

OHIO VALLEY ELECTRIC CORPORATION

and

UNITED STATES OF AMERICA

Acting By and Through the

UNITED STATES ATOMIC ENERGY COMMISSION

and, subsequent to January 18, 1975, the

ADMINISTRATOR

of

ENERGY RESEARCH AND DEVELOPMENT

and, subsequent to September 30, 1977, the

SECRETARY OF ENERGY

the statutory head of the

DEPARTMENT OF ENERGY

Dated as of July 1, 1978

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78-1653-EL-AEC

Contract No. EY-76-C-05-1530
(Modification No: 9)

THIS MODIFICATION NO. 9, dated as of the 1st day of July, 1978, by and between OHIO VALLEY ELECTRIC CORPORATION, a corporation organized under the laws of the State of Ohio (hereinafter called the "Corporation"), and the UNITED STATES OF AMERICA (hereinafter called the "Government"), acting by and through the SECRETARY OF ENERGY, the statutory head of the DEPARTMENT OF ENERGY (hereinafter called "DOE");

WITNESSETH THAT:

WHEREAS, Corporation and the Government have heretofore entered into Contract No. AT-(40-1)-1530 (redesignated Contract No. E-(40-1)-1530 and later redesignated Contract No. EY-76-C-05-1530), dated October 15, 1952, providing for the supply by Corporation of electric utility services to the United States Atomic Energy Commission (hereinafter called "AEC") at AEC's project near Portsmouth, Ohio (hereinafter called the "Project"), which Contract has heretofore been modified by Modification No. 1, dated July 23, 1953, Modification No. 2, dated as of March 15, 1964, Modification No. 3, dated as of May 12, 1966, Modification No. 4, dated as of January 7, 1967, Modification No. 5, dated as of August 15, 1967, Modification No. 6, dated as of November 15, 1967, Modification No. 7, dated as of November 5, 1975, and Modification No. 8, dated as of June 23, 1977 (said Contract, as so modified, is hereinafter called the "DOE Power Agreement"); and

WHEREAS, pursuant to the Energy Reorganization Act of 1974, the AEC was abolished on January 19, 1975, and certain of its functions, including the procurement of electric utility services for the Project, were transferred to and vested in the Administrator of Energy Research and Development; and

WHEREAS, pursuant to the Department of Energy Organization Act, all of the functions vested in law in the Administrator of Energy Research and Development or the Energy Research and Development Administration were transferred to, and vested in, DOE on October 1, 1977; and

WHEREAS, Corporation and DOE desire to amend the DOE Power Agreement further for the purpose of extending its term;

NOW, THEREFORE, the parties hereto do hereby agree as follows:

1. The DOE Power Agreement is amended to delete from the first paragraph the phrase "UNITED STATES ATOMIC ENERGY COMMISSION (hereinafter called 'AEC' which term as used herein shall be deemed to include the duly authorized representative or representatives of the United

States Atomic Energy Commission)" and to substitute therefor the phrase "SECRETARY OF ENERGY, the statutory head of the DEPARTMENT OF ENERGY (hereinafter called 'DOE' which term as used herein shall be deemed to include the duly authorized representative or representatives of the Secretary of Energy)" and to delete the term "AEC" wherever it appears and to substitute therefor the term "DOE".

2. The first sentence of Section 6.01 of the DOE Power Agreement, as heretofore modified, is amended to strike the date "March 31, 1979" set forth in the initial clause of such sentence and to insert in its place the date "December 31, 1979".

3. This Modification No. 9 to the DOE Power Agreement shall become effective at 12:00 o'clock midnight on the date, after compliance with Section 164 of the Atomic Energy Act of 1954, as amended, shall have been effected, on which Corporation shall deliver to DOE a written notice to the effect that all conditions which it is necessary for Corporation to meet prior to such effectiveness have been satisfied; provided, however, that if Corporation shall fail to deliver such notice to DOE by February 28, 1979, the term of the DOE Power Agreement, as modified prior to this Modification No. 9, shall, without further action by Corporation or DOE, be extended to and including September 30, 1979.

IN WITNESS WHEREOF, the parties hereto have executed this Modification No. 9 as of the day and year first above written.

OHIO VALLEY ELECTRIC CORPORATION

BY: [Signature]

President

UNITED STATES OF AMERICA

BY: SECRETARY OF ENERGY

BY: [Signature]

Contracting Officer

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Commission of Ohio Docketing Information System on

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Case No(s). 78-1253-EL-AEC

Summary: Application electronically filed by Docketing Staff on behalf of Docketing