

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

Via Overnight Mail

July 11, 2012

Mr. Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

RECEIVED

JUL 12 2012

**PUBLIC SERVICE
COMMISSION**

Re: Case No. 2012-00063

Dear Mr. Derouen:

Please find enclosed the original and ten (10) copies of KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.'s MOTION FOR EXTENSION OF TIME AND REQUEST FOR INFORMAL CONFERENCE for filing in the above-referenced matter.

By copy of this letter, all parties listed on the Certificate of Service have been served. Please place these documents of file.

Very Truly Yours,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

MLKkew
Attachment

cc: Certificate of Service
Quang Nyugen, Esq.
Faith Burns, Esq.
Larry Cook, Esq.
Matt James, Esq.
David C. Brown, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail (when available) and by mailing a true and correct copy by regular, U.S. Mail, unless other noted, this 11th day of July, 2012 to the following



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.

JENNIFER B HANS, ESQ.
DENNIS G. HOWARD, II. ESQ.
LAWRENCE W. COOK, ESQ.
MATT JAMES, ESQ.
ASSISTANT ATTORNEY GENERAL'S OFFICE
1024 CAPITAL CENTER DRIVE, STE 200
FRANKFORT, KENTUCKY 40601-8204

JOE CHILDERS
JOE F. CHILDERS & ASSOCIATES
300 LEXINGTON BUILDING
201 WEST SHORT STREET
LEXINGTON, KENTUCKY 40507

SHANNON FISK
SENIOR ATTORNEY
NATURAL RESOURCES DEFENSE COUNCIL
2 N. RIVERSIDE PLAZA, SUITE 2250
CHICAGO, ILLINOIS 60660

CHRISTOPHER KIN LEUNG
NATURAL RESOURCES DEFENSE COUNCIL
2 N. RIVERSIDE PLAZA, SUITE 2260
CHICAGO, ILLINOIS 60660

HONORABLE JAMES M MILLER
ATTORNEY AT LAW
SULLIVAN, MOUNTJOY, STAINBACK & MILLER, PSC
100 ST. ANN STREET
P.O. BOX 727
OWENSBORO, KENTUCKY 42302-0727

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE:)	
)	
APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR APPROVAL OF ITS 2012 ENVIRONMENTAL COMPLIANCE PLAN, FOR APPROVAL OF ITS AMENDED ENVIRONMENTAL COST RECOVERY SURCHARGE TARIFF, FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, AND FOR AUTHORITY TO ESTABLISH A REGULATORY ACCOUNT)	CASE NO. 2012-00063

**MOTION FOR EXTENSION OF TIME
AND REQUEST FOR INFORMAL CONFERENCE OF
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

Kentucky Industrial Utility Customers, Inc. (“KIUC”) respectfully moves the Commission for an order extending the deadline for Intervenor testimony in this proceeding. Currently, the testimony of Intervenors is due July 18, 2012. KIUC requests that the Commission extend the deadline for Intervenor testimony to July 25, 2012.

As the Commission is aware, KIUC faced discovery issues related to obtaining certain information from ACES Power Marketing (“ACES”) in this proceeding.¹ This information is necessary to reproduce the modeling results used to support Big Rivers Electric Corporation’s (“Big Rivers”) Application. Although the parties have taken steps to resolve this issue and ACES has delivered some of the necessary information to KIUC, other critical information from ACES was either missing or was delivered in a form that has been difficult to analyze. For example:

- Once ACES and Big Rivers agreed that Ventyx would strip down ACES' large multi-client database to a database containing only Big Rivers' data, it had been KIUC's understanding that it would receive a fully functioning, validated database that could be relied on to accurately reproduce all of Big Rivers' cases. Instead, the database KIUC received was neither entirely functioning nor validated. When KIUC's consultant received the data and

¹ See Joint Motion to Compel (June 6, 2012).

performed his own tests of the database he found that many of the cases would not run because there were errors. The problems were relatively minor and are correctible, but correcting these problems took valuable time, which is why KIUC requested Big Rivers to include a validation step as part of the process to strip down the data.

- Since receiving the ACES database, KIUC has found that there were still excel spreadsheets that are used to process output data that had not been provided. Apparently those files were not provided because they were deleted by ACES, but without even providing an example, KIUC had no way to know how certain data produced by the PaR model was processed and input into the financial model.
- Given the numerous models that were used by different consultants and Big Rivers itself, the documentation of the files and naming conventions has been very limited, which has required additional time to ensure the proper files are matched up.
- There is a question as to whether the results that were first produced and supplied by Ventyx match up closely enough to those results that were originally produced by ACES. The results are clearly different, yet ACES and Big Rivers believe that when they are evaluated over a 15 year period, the results are close enough. ACES and Big Rivers may ultimately be correct, but this is an unexpected issue that KIUC must spend additional time to evaluate. Consequently, KIUC's experts need additional time to properly reproduce the modeling results used to support Big Rivers' Application, and to potentially revise Big Rivers' analyses.

There is good cause for the Commission to grant KIUC's Motion for Extension. KIUC has actively worked to get the necessary ACES information as quickly as possible and has tried to avoid unnecessarily delaying the resolution of this case. In addition, KIUC's request to extend the deadline for Intervenor testimony will allow KIUC to conduct a thorough analysis of the modeling results used to support Big Rivers' Application in this proceeding. A thorough analysis of these modeling results can provide the Commission valuable insight in its review of Big Rivers' Application.

Pursuant to KIUC's Motion for Extension, the Commission should adopt the following revised procedural schedule:

July 25, 2012	Intervenor testimony due
July 27, 2012	Data requests to Intervenors
August 6, 2012	Intervenor responses to data requests
August 14, 2012	Big Rivers' Rebuttal testimony
August 22, 2012	Hearing at 10:00 a.m.

KIUC also respectfully requests that the Commission schedule an Informal Conference for Thursday, July 12, 2012 to discuss the issues related to this Motion.

Due to the short timeframe involved in this proceeding, KIUC requests a decision on this Motion by Friday, July 13, 2012.

Respectfully submitted,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

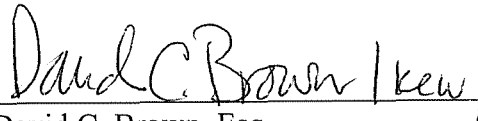
Cincinnati, Ohio 45202

Ph: (513) 421-2255 Fax: (513) 421-2764

E-Mail: mkurtz@BKLawfirm.com

kboehm@BKLawfirm.com

**COUNSEL FOR KENTUCKY INDUSTRIAL
UTILITY CUSTOMERS, INC.**



David C. Brown, Esq.

STITES & HARBISON

1800 Aegon Center, 400 West Market Street

Louisville, KY 40202

Ph: (502) 587-3400 Fax: (502) 587-6391

E-mail. dbrown@stites.com

**CO-COUNSEL FOR ALCAN PRIMARY PRODUCTS
CORPORATION**

July 11, 2012