

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)	
CORPORATION FOR APPROVAL TO ISSUE)	CASE NO.
EVIDENCES OF INDEBTEDNESS)	2012-00492

ORDER

On November 14, 2012, Big Rivers Electric Corporation ("Big Rivers") applied to the Commission for approval to supplement or terminate certain existing evidences of indebtedness and issue new evidences of indebtedness in connection with refunding by purchase of \$58,800,000 in County of Ohio, Kentucky, Pollution Control Floating Rate Demand Bonds, Series 1983 and the issuance by Ohio County of a like amount of Pollution Control Refunding Revenue Bonds, Series 2013A.

On January 24, 2013, Big Rivers filed a motion to amend its application in order to supplement the items of relief requested by Big Rivers in this matter. In support of its motion, Big Rivers states that in light of the uncertainty surrounding the Century Aluminum of Kentucky General Partnership notice to terminate its retail service agreement, the outcome of Big Rivers' pending rate case, and the viability of Alcan Primary Product Corporation's ("Alcan") Sebree facility, Big Rivers has decided to postpone the offering of debt until some or all of that uncertainty has been eliminated. Accordingly, with the goal of achieving maximum flexibility in retiring the existing Ohio County pollution control bonds on a favorable basis and in a timely manner, Big Rivers seeks authority in the amended application to use for that purpose all or a portion of the following funds: (1) the \$60 million in remaining proceeds from the 2012 financing with

CoBank, ACB previously authorized by the Commission in Case No. 2012-00119;¹ and (2) the \$35 million Transition Reserve fund.

On January 29, 2013, an informal conference was held in which representatives of Big Rivers, Alcan, Kentucky Industrial Utility Customers, Inc., and the Attorney General of the Commonwealth of Kentucky participated for the purpose of discussing any and all issues related to the instant matter, the scheduling of discovery on the amended application, and a hearing date.

Having reviewed the motion and being otherwise advised, the Commission finds that Big Rivers has established good cause to permit it to amend and supplement its application. The Commission further finds that an abbreviated procedural schedule should be established in order to permit discovery on Big Rivers' amended application and to schedule a formal hearing for this matter.

IT IS THEREFORE ORDERED that:

1. Big Rivers' motion to amend and supplement its application is granted.
2. The procedural schedule set forth in the appendix to this Order shall be followed in this proceeding.
3. a. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties by the time of filing and ten copies to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a

¹ *Application of Big Rivers Electric Corporation for Approval to Issue Evidences of Indebtedness* (Ky. PSC May 25, 2012).

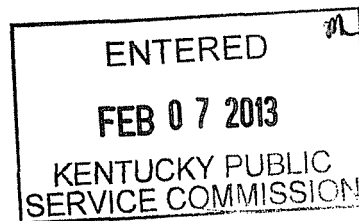
governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

4. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

By the Commission



ATTEST:

Jason D. Greenwell
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2012-00492 DATED FEB 07 2013

Intervenors and Commission Staff may serve interrogatories
and requests for production of documents on Big Rivers
no later than 2/5/13

Big Rivers shall file with the Commission and serve upon
parties of record responses to interrogatories and requests
for production of documents no later than 2/12/13

Public Hearing is to begin at 10:00 a.m., Eastern Standard Time,
in Hearing Room 1 of the Commission's offices at 211 Sower
Boulevard, Frankfort, Kentucky, for the purpose of
cross-examination of witnesses 2/28/13

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