

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

APPLICATION OF BIG RIVERS)
ELECTRIC CORPORATION FOR) CASE NO. 2016-00278
A DECLARATORY ORDER)

MOTION OF CITY OF HENDERSON, KENTUCKY, AND
HENDERSON UTILITY COMMISSION,
d/b/a HENDERSON MUNICIPAL POWER & LIGHT,
TO INTERVENE IN APPLICATION OF
BIG RIVERS ELECTRIC CORPORATION
FOR A DECLARATORY ORDER

The City of Henderson, Kentucky, and the Henderson Utility Commission, d/b/a Henderson Municipal Power & Light (jointly referenced hereinafter as "Henderson"), by counsel, and pursuant to 807 KAR 5:001(4)(11), hereby move for an order granting intervention in this matter. 807 KAR 5:001(4)(11) provides:

(11) Intervention and parties.

(a) A person who wishes to become a party to a case before the commission may, by timely motion, request leave to intervene.

1. The motion shall include the movant's full name, mailing address, and electronic mail address and shall state his or her interest in the case and how intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

2. The motion may include a request by movant for delivery of commission orders by United States mail and shall state how good cause exists for that means of delivery to movant.

(b) The commission shall grant a person leave to intervene if the commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

On July 29, 2016, Big Rivers Electric Corporation (“Big Rivers”) filed an application seeking Commission interpretation of certain provisions of a contract among Big Rivers and Henderson governing the production of energy at Henderson’s Station Two power-generation facility. The application makes no suggestion of an impact on rates or service, and thus provides no basis for commission jurisdiction. Furthermore, the issues presented in the application directly affect the contractual relationship between Big Rivers and Henderson. On August 15, 2016, the Commission issued an order allowing the filing of intervention motions by August 22, 2016. The movants names and addresses are:

City of Henderson
222 First St.
Henderson, KY 42420

and

Henderson Utility Commission
100 Fifth St.
Henderson, KY 42420

Service on the movants should be directed to counsel listed below.

This intervention is made for the purpose of assisting the Commission with the development of facts relevant to a decision and will not unduly delay or impede the proceedings. This case will have a direct and material effect upon Henderson’s legal rights, duties, privileges, or other legal interests associated with the Big Rivers’ contract. The information that Henderson can present to the Commission is directly related to the issues being investigated and to the proposal being made by Big Rivers.

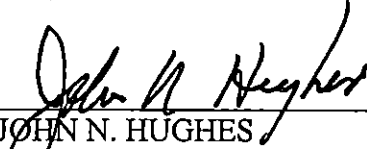
Henderson has a substantial and special interest in a Commission determination with respect to the issues raised that are not and cannot be otherwise adequately represented by any other party. The Commission’s grant of intervenor status to Henderson is likely to present issues

or develop facts that facilitate the Commission's full consideration in this matter without unduly complicating or disrupting the proceedings. Henderson's experience with the generation facilities, as well as with Big Rivers, give it detailed knowledge of the issues that are before the Commission, and will provide the Commission with additional information that has not been presented and which will not otherwise be presented.

The Commission has previously allowed Henderson to intervene in Case No. 2007-00455 based on its contractual relationship with Big Rivers.


For these reasons, Henderson moves for an order granting intervention.

Respectfully submitted,



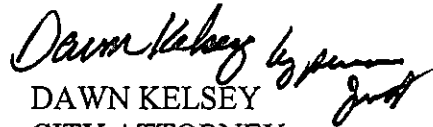
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CITY ATTORNEY
CITY OF HENDERSON
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was forwarded this 19th day of August, 2016, via U.S. Mail, postage prepaid, or via facsimile, electronic mail, and/or hand delivery, to the following:

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