

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BIG RIVERS ELECTRIC CORPORATION'S NOTICE)
OF CHANGES IN ITS RATES FOR ELECTRICITY) CASE NO. 9163
SOLD TO MEMBER COOPERATIVES)

O R D E R

On January 10, 1985, National Southwire Aluminum Company ("NSA") filed a motion requesting a modification of the Commission's Order of Procedure entered December 5, 1984, and for incorporation of the record of Case No. 9006, In Re: Big Rivers Electric Corporation's Notice of Changes In Its Rates for Electricity Sold To Member Cooperatives, into the record of the instant proceeding.

NSA's motion for a modification of the Commission's procedural schedule was in response to Big Rivers' motion for an extension of time to file answers to data requests. By Order entered January 11, 1985, the Commission amended its December 5, 1984, Order of Procedure to accommodate the interest of all parties to the extent permissible under the Commission's statutory 5-month suspension period. Consequently, NSA's motion to modify the Commission's procedural schedule has been rendered moot by the Commission's Amended Order of Procedure entered January 11, 1985.

NSA further moves to incorporate the entire record of Case No. 9006 into the record of this proceeding. By Order entered December 21, 1984, the Commission incorporated Commission data requests and responses from Case No. 9006 into this proceeding. NSA claims that the incorporation of the entire record from Case No. 9006, will promote the expeditious and economical disposition of the instant proceeding. The Commission is of the opinion and hereby finds that it is appropriate to incorporate by reference all data requests, responses thereto and depositions from Case No. 9006. However, the prepared filed testimony in Case No. 9006 discussed major issues, i.e., D.B. Wilson Generating Plant in rate base and the consequences of a proposed sale/leaseback of the Wilson Plant, which are not material to any presently identifiable issue in this proceeding. Since Case No. 9006 was dismissed prior to cross-examination of filed testimony the parties to this case would be placed in the untenable position of having to cross-examine immaterial testimony or allow said testimony to stand uncontradicted. Therefore, the Commission finds that NSA's motion has not presented sufficient grounds to incorporate by reference the testimony from Case No. 9006.

IT IS THEREFORE ORDERED that that portion of NSA's motion requesting to incorporate by reference the data requests and responses and depositions from Case No. 9006 into this proceeding be and it hereby is granted and the remaining portions of NSA's motion be and they hereby are denied.

Done at Frankfort, Kentucky, this 24th day of January, 1985.

PUBLIC SERVICE COMMISSION

Richard D. Steman, Jr.
Chairman

Ronald H. Taylor, Jr.
Vice Chairman

Gene Shultz
Commissioner

ATTEST:

Secretary