

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CITY OF HENDERSON, KENTUCKY, CITY OF)	
HENDERSON UTILITY COMMISSION, AND BIG)	
RIVERS ELECTRIC CORPORATION APPLICATION)	CASE NO. 93-065
FOR CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AND TO FILE PLAN FOR)	
COMPLIANCE WITH CLEAN AIR ACT AND IMPOSE)	
ENVIRONMENTAL SURCHARGE)	

O R D E R

Before the Commission are three procedural motions. Big Rivers Electric Corporation ("Big Rivers") has moved for rejection of the filing of Kentucky Industrial Utility Customers' ("KIUC") comments on the Environmental Protection Agency's issuance of Draft Acid Rain Permits to Big Rivers or, in the alternative, acceptance of Big Rivers' response to those comments. KIUC has moved to compel Big Rivers to provide certain documents and for an interim hearing on scrubber cancellation penalty charges.

The Commission begins with Big Rivers' motion. It finds that KIUC's comments to the Environmental Protection Agency are relevant and should remain in the record of this proceeding. It further finds that Big Rivers should be afforded the opportunity to respond. Big Rivers' response to KIUC's comments, therefore, should also be filed.

KIUC has moved to compel Big Rivers to provide its brokerage agreement with Centre Financial Products for the purchase and sale of SO₂ emission allowances and Volumes II and III of the

Wheelabrator contract for construction of the Henderson Station Two Scrubbers. The Commission finds that it should be granted. In its Order of July 30, 1993, the Commission ordered Big Rivers to file "copies of any agreements relating to the scrubber project." The documents in question directly relate to the scrubber project. Given the size of the Wheelabrator contract, however, Big Rivers should be required only to provide one copy of Volumes II and III to the Commission and to make a copy available for inspection by the parties at its principal business office.

As to KIUC's motion for an interim hearing, the Commission finds the motion should be denied. In its Response to the Commission's Order of August 9, 1993, Big Rivers admitted liability for 82.86 percent of any cancellation penalty charges incurred under the Wheelabrator contract. The intended purpose of the requested hearing, therefore, has already been accomplished.¹

IT IS THEREFORE ORDERED that:

1. Big Rivers' Motion for Rejection of KIUC's Comments is denied.
2. Big Rivers' Response to KIUC's Comments shall be filed in the record of this proceeding.
3. KIUC's motion to compel is granted.

¹ Big Rivers' admission, however, raises other regulatory issues which must be addressed in a separate administrative proceeding. See Case No. 93-351, Big Rivers Electric Corporation; Paul A. Schmitz, General Manager; Morton Henshaw, President; William Briscoe, John C. Burnett, Marion Cecil, J.D. Cooper, Joseph Hamilton, Johnny L. Hamm, Ralph Hardin, Edward F. Johnson, Delbert Powers, C.G. Truitt, and Sandra Wood, Members of the Board of Directors.

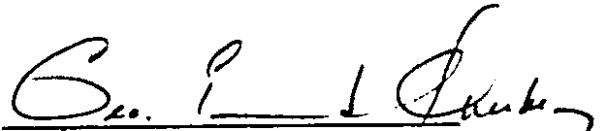
4. Within 14 days of the date of this Order, Big Rivers shall file with the Commission a copy of Volumes II and III of the Wheelabrator contract. It shall also make a copy of these volumes available for inspection by the parties at its principal place of business.

5. Within 14 days of the date of this Order, Big Rivers shall file with the Commission 10 copies of its brokerage agreement with Centre Financial Products.

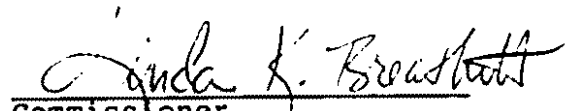
6. KIUC's Motion for Interim Hearing is denied.

Done at Frankfort, Kentucky, this 17th day of September, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director