

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)	
COMMISSION OF THE APPLICATION OF THE)	
FUEL ADJUSTMENT CLAUSE OF BIG RIVERS)	CASE NO. 90-360-C
ELECTRIC CORPORATION FROM)	
NOVEMBER 1, 1991 TO APRIL 30, 1992)	

O R D E R

Big Rivers Electric Corporation ("Big Rivers") has moved for a stay and dismissal of these proceedings. In support of its motion, Big Rivers states that the requested relief is necessary to implement the Plan of Reorganization approved by U.S. Bankruptcy Court¹ and is mandated by that Court's decision to discharge all fuel adjustment clause related claims. No response in opposition to the motion has been received.

Having considered Big Rivers' motion and taking administrative notice of the Franklin Circuit Order of July 13, 1998 in Civil Action No. 94-CI-001184,² the Commission finds that Big Rivers' motion is moot. By its Order of July 13, 1998, Franklin Circuit Court has granted the relief that Big Rivers requests from this Commission. Moreover, as any further Commission action in this proceeding will be undertaken solely to comply with the

¹ In Re: Big Rivers Electric Corporation, No. 96-41168 (June 1, 1998).

² Big Rivers Electric Corp. v. Public Serv. Comm'n, No. 94-CI-01184 (Franklin Cir. Ct. Ky. July 13, 1998).

Franklin Circuit Court Judgment of October 20, 1995,³ and as Franklin Circuit Court has indicated its intention to recall and vacate that Judgment, no further proceedings will be required and this case should remain closed.


IT IS THEREFORE ORDERED that Big Rivers' Motion for Stay and Dismissal of Proceedings is denied as moot.

Done at Frankfort, Kentucky, this 15th day of July, 1998.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

³ Big Rivers Electric Corp. v. Public Serv. Comm'n, No. 94-CI-01184 (Franklin Cir. Ct. Ky. Oct. 21, 1995). In this Judgment, Franklin Circuit Court remanded the July 21, 1994 Order enter in this proceeding to the Commission with instructions to determine whether Contracts No. 527 and No. 865 complied with Administrative Regulation 807 KAR 5:056, whether the fuel costs associated with these contracts were the result of imprudent fuel procurement practices, and whether such costs were prudent.