

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF	)	
THE FUEL ADJUSTMENT CLAUSE OF BIG	)	CASE NO.
RIVERS ELECTRIC CORPORATION FROM	)	2014-00230
NOVEMBER 1, 2013 THROUGH APRIL 30, 2014	)	

ORDER

On August 13, 2014, the Commission issued an Order initiating this proceeding to review Big Rivers Electric Corporation's ("Big Rivers") fuel adjustment clause for the six-month period from November 1, 2013, through April 30, 2014. On August 22, 2014, Kentucky Industrial Utility Customers, Inc. ("KIUC") filed a motion for full intervention in this matter. KIUC also filed a petition to amend the procedural schedule, requesting one round of discovery. In its petition, KIUC states that its inquiry will focus on the manner in which Big Rivers allocated fuel costs during the period under review and that it is interested in comparing Big Rivers' approach with that of another jurisdictional electric utility.

On August 26, 2014, Big Rivers filed a response in which it opposed both KIUC's motion to intervene and its petition to amend the procedural schedule. In the response, Big Rivers states that KIUC's intervention "is for a purpose unrelated to the operation of Big Rivers' fuel clause during the period under review"<sup>1</sup> and noted that KIUC stated that it "has no reason to believe that Big Rivers' fuel cost allocation approach was

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<sup>1</sup> Big Rivers' Response and Opposition to KIUC's Motion to Intervene and to Amend Procedural Schedule, p. 1.

unreasonable.”<sup>2</sup> Big Rivers argues that KIUC wishes to obtain facts that will assist it in a different proceeding that is before the Commission and that granting KIUC’s intervention would establish bad precedent on the basis that KIUC is using this case to obtain information in another case. Big Rivers contends that the Commission, not KIUC, has authority to investigate the practices of utilities in Kentucky.

On August 27, 2014, KIUC filed a reply to Big Rivers’ response in which KIUC argues that both its motion to intervene and petition to amend the procedural schedule should be granted. In its reply, KIUC contends that Big Rivers’ main argument is directed at KIUC’s request to conduct discovery. KIUC states that its motion to intervene is separate from its petition to amend the procedural schedule and that it has satisfied the Commission’s standards for intervention in its motion. KIUC claims that its motion was filed timely, that its members have a special interest in this proceeding which is not adequately represented by an existing party,<sup>3</sup> and that, if allowed to intervene, it will develop facts that will assist the Commission in this proceeding without undue complication or disruption.

KIUC states that its petition to amend the procedural schedule has been misconstrued by Big Rivers. KIUC argues that it is not concerned solely with the fuel-cost approach of one other jurisdictional electric utility, but that it wishes to understand how fuel costs are allocated by other jurisdictional electric utilities in Kentucky and has sought intervention in those cases, as well. KIUC states that it plans to assess the reasonableness of each jurisdictional electric utility’s approach independently.

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<sup>2</sup> *Id.*

<sup>3</sup> The three KIUC members identified in the motion to intervene are Aleris International, Inc., Domtar Paper Co., LLC, and Kimberly-Clark Corporation.

Having reviewed the pleadings and being otherwise sufficiently advised, it appears to the Commission that KIUC's intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The Commission finds that KIUC should be granted full rights of a party in this proceeding.

The Commission also finds that KIUC has presented good cause to have a procedural schedule established for the processing of this matter.<sup>4</sup>


IT IS HEREBY ORDERED that:

1. KIUC's motion to intervene is granted.
2. KIUC's petition to amend the procedural schedule is granted to the extent that a procedural schedule is established with this Order.
3. The parties shall adhere to the procedural schedule set forth in the appendix to this Order.
4. KIUC shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
5. Should KIUC file documents of any kind with the Commission in the course of these proceedings, KIUC shall serve a copy of said documents on all other parties of record.
6. All other provisions of the Commission's August 13, 2014 Order shall remain in full force and effect.

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<sup>4</sup> Although the August 13, 2014 Order initiating this matter included the scheduling of a formal evidentiary hearing and a deadline for Big Rivers to respond to the information requests attached as an appendix to that order, no other procedural deadlines were established pursuant to that order. Thus, we will treat KIUC's petition to amend the procedural schedule as one to establish a procedural schedule.

By the Commission

ENTERED   
**SEP 03 2014**  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

Case No. 2014-00230

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2014-00230 DATED **SEP 03 2014**

Commission Staff's second request for information and Intervenors'  
initial request for information shall be filed no later than ..... 09/12/14

Big Rivers' responses to Commission Staff's second request for information  
and Intervenors' initial request for information shall be filed no later than ..... 09/23/14

Public hearing ..... 11/12/14

Simultaneous briefs, if any ..... To be scheduled

Roger Hickman  
Regulatory Affairs Manager  
Big Rivers Electric Corporation  
201 Third Street  
P. O. Box 24  
Henderson, KY 42420

Jody M Kyler  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202