

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)	
CORPORATION FOR APPROVAL OF ITS 2020)	
ENVIRONMENTAL COMPLIANCE PLAN,)	
AUTHORITY TO RECOVER COSTS THROUGH A)	CASE NO.
REVISED ENVIRONMENTAL SURCHARGE AND)	2019-00435
TARIFF, THE ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY FOR)	
CERTAIN PROJECTS, AND APPROPRIATE)	
ACCOUNTING AND OTHER RELIEF)	

ORDER

On February 7, 2020, Big Rivers Electric Corporation (BREC) filed an application requesting approval of its 2020 Environmental Compliance Plan, recovery of costs associated with projects contained in its proposed environmental compliance plan, and a Certificate of Public Convenience and Necessity for certain projects contained in its proposed environmental compliance plan. BREC also requests approval to begin settlement of its existing asset retirement obligations (ARO) and amortization of corresponding regulatory assets related to the closure of coal ash ponds at its Sebree Station.¹ Similarly, BREC requests authority to establish and amortize a regulatory asset for the ARO-related liabilities arising from the closure of coal ash ponds at its Kenneth C. Coleman Station. The application also seeks approval to begin amortization of an existing regulatory asset reflecting deferred costs of compliance with the Disposal of Coal Combustion Residuals from Electric Utilities Rule and approval to establish a regulatory

¹ The Sebree Station includes BREC's Robert D. Green Station and Robert A. Reid Station and Henderson Municipal Power & Light's William L. Newman Station Two.

asset for expenses incurred in developing and pursuing the relief requested in the application and to recover those expenses over a reasonable period.

Having reviewed the application and being otherwise sufficiently advised, the Commission finds that a procedural schedule should be established for the orderly consideration of this matter. The procedural schedule is attached as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed in this proceeding.

2. a. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed. Responses that are required to be provided on electronic medium shall be in portable document format (PDF), shall be searchable and shall be appropriately bookmarked.

b. Each response shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath, or for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

4. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding which is not adequately represented in the case, or (2) that the person requesting permissive 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. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding a potential impact of possible modification

of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene filed after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

5. BREC shall give notice of the hearing in accordance with the provisions set out in 807 KAR 5:001, Section 9(2)(b). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov." At the time publication is requested, BREC shall forward a duplicate of the notice and request to the Commission.

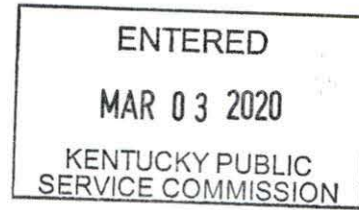
6. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

7. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), the official record of the proceeding shall be by video only.

8. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

9. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission



ATTEST:

A handwritten signature in blue ink, consisting of stylized initials and a surname, written over a horizontal line.

Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00435 DATED **MAR 03 2020**

Requests for intervention shall be filed no later than03/20/20

All initial requests for information upon BREC shall
be filed no later than03/30/20

BREC shall file responses to initial requests
for information no later than.....04/13/20

All supplemental requests for information upon
BREC shall be filed no later than04/23/20

BREC shall file responses to supplemental requests
for information no later than.....05/04/20

Intervenor testimony, if any, in verified prepared form, shall
be filed no later than05/11/20

All requests for information to Intervenors shall
be filed no later than05/22/20

Intervenors shall file responses to requests
for information no later than.....06/01/20

BREC shall file rebuttal testimony, if any,
no later than.....06/08/20

Last day for BREC or Intervenors to request a hearing
or submit this case for decision based on the record.....06/15/20

Decision due.....08/06/20

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