

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|------------------------------------|---|------------|
| APPLICATION OF BIG RIVERS ELECTRIC |) | |
| CORPORATION FOR APPROVAL TO MODIFY |) | |
| ITS MRSM TARIFF, CEASE DEFERRING |) | CASE NO. |
| DEPRECIATION EXPENSES, ESTABLISH |) | 2020-00064 |
| REGULATORY ASSETS, AMORTIZE |) | |
| REGULATORY ASSETS, AND OTHER |) | |
| APPROPRIATE RELIEF |) | |

ORDER

On February 28, 2020, Big Rivers Electric Corporation (BREC) submitted an application, for approval to modify its Member Rate Stability Mechanism (MRSM) tariff, cease deferring depreciation expenses, establish regulatory assets, amortize regulatory assets, and other appropriate relief. BREC also filed a motion for confidential treatment for certain financial information and information related to special contracts. The application proposed that the revised MRSM tariff become effective on March 30, 2020.

Having reviewed the application and being otherwise sufficiently advised, the Commission finds that an investigation will be necessary to determine the reasonableness of the proposed tariff and that such an investigation cannot be completed by March 30, 2020. Therefore, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed tariff for five months, up to and including August 29, 2020.

The Commission further finds that a procedural schedule should be established to review BREC's application. The procedural schedule is attached as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. BREC's proposed tariff is suspended for five months, up to and including August 29, 2020.

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

3. a. Responses to requests for information shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record, and the original and ten copies to the Commission.

b. 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. A 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. Any 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 the personal information cannot be read.

6. 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) required 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 March 18, 2020, 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.

7. BREC shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of the 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.

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

9. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

10. 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.

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

By the Commission



ATTEST:

A handwritten signature in blue ink, appearing to be "WCL", written over a horizontal line.

Executive Director

Case No. 2020-00064

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00064 DATED **MAR 12 2020**

Last day for intervention requests to be accepted.....03/18/2020

All initial requests for information to BREC shall
be filed no later than 03/24/2020

BREC shall file responses to initial requests for
information no later than..... 04/03/2020

All supplemental requests for information to BREC
shall be filed no later than..... 04/13/2020

BREC shall file responses to supplemental requests
for information no later than..... 04/21/2020

Intervenor testimony, if any, in verified prepared
form shall be filed no later than..... 04/28/2020

All requests for information to Intervenors shall
be filed no later than 05/05/2020

Intervenors shall file responses to requests for
information no later than 05/13/2020

BREC shall file, in verified form, its rebuttal
testimony no later than 05/20/2020

Last day for BREC to publish notice of hearing To be scheduled

Public Hearing to be held in the Richard Raff Hearing Room
of the Commission's offices at 211 Sower Boulevard,
Frankfort, Kentucky, for the purpose of cross-examination
of witnesses of BREC and Intervenors To be scheduled

Post-Hearing Briefs, if any To be scheduled

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