

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS)	CASE NO.
ELECTRIC CORPORATION FOR APPROVAL)	2020-00183
OF SOLAR POWER CONTRACTS)	

ORDER

The matter is before the Commission upon a motion filed by Big Rivers Electric Corporation (BREC) to amend the procedural schedule. In support of its motion, BREC states that pursuant to the Commission's Order issued on July 10, 2020, a procedural schedule was established setting forth various deadlines, including the last deadline of November 16, 2020, for BREC to file its rebuttal testimony. BREC now points out in its motion that the Meade County Solar Contract and the McCracken County Solar Contract each contain a provision requiring BREC to obtain Commission approval of the two contracts by October 31, 2020. Failure to satisfy these provisions would cause BREC to either terminate the contracts or forfeit its rights to terminate the contracts. BREC also points out a similar provision in the Henderson Solar Contract, which provides that Henderson Solar may terminate the contract if BREC is unable to obtain Commission approval of the contract by December 21, 2020. BREC states that counterparties to these contracts negotiated these provisions due to their concerns about the uncertainty and delay arising out of BREC having to file for Commission approval of the contracts. BREC further states that it cannot obligate itself to purchase power under the three contracts if the Commission has not issued a final, nonappealable order either finding that the

contracts do not require prior Commission approval or approving the contracts. BREC notes that because the Attorney General has intervened in this matter, BREC will need a final order by September 28, 2020, to allow the 33-day appeal window to expire before October 31, 2020.

BREC asserts that if it does not have a final order by September 28, 2020, or if the Attorney General appeals or seeks rehearing of the final order, BREC will have no choice but to terminate the Meade County Solar and McCracken County Solar Contracts. BREC also informs that it is of the belief that the developer of the Henderson County Solar Contract has other parties interested in purchasing power from the solar facility associated with that contract and that the developer may terminate the contract if Commission approval is not received by December 21, 2020.

In order to accommodate the September 28, 2020 contractual deadline, BREC proposes that the current procedural schedule be amended to reflect the following revisions: (1) revise the intervention deadline from July 27, 2020, to July 20, 2020; (2) reduce the two rounds of discovery to one round of discovery; and (3) replace the 14-day between each subsequent deadlines with 10-day windows.

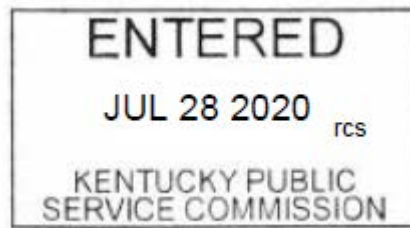
Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that BREC has established sufficient cause to permit a revision to the current procedural schedule. The Commission, however, finds that the changes to the procedural schedule proposed by BREC is not reasonable and that the amended procedural schedule attached as an Appendix to this Order should be followed. Lastly, the Commission notes the absence of any language in BREC's application that would have informed the Commission as to the decision deadlines that are required under the

terms of the three contracts. Knowledge of this contractual deadline would have allowed for a better formulation of the initial procedural schedule. Setting this information out in the application would have been the better practice.

IT IS HEREBY ORDERED that:

1. BREC's motion to amend the procedural schedule is granted.
2. The procedural schedule established by the July 10, 2020 Order shall be amended.
3. The amended procedural schedule set forth in the Appendix to this Order shall be followed.
4. All other provisions of the July 10, 2020 Order shall remain in full force and effect.

By the Commission



ATTEST:



Acting Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00183 DATED JUL 28 2020

Last day for intervention requests to be accepted.....07/27/20

All initial requests for information to BREC shall
be filed no later than..... 08/07/20

BREC shall file responses to initial requests for
information no later than.....08/14/20

Intervenor testimony, if any, in verified prepared
form shall be filed no later than 08/24/20

All requests for information to Intervenors shall
be filed no later than..... 08/31/20

Intervenors shall file responses to requests for
information no later than..... 09/08/20

BREC shall file, in verified form, its rebuttal
testimony no later than 09/15/20

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

Public Hearing to be held in Hearing Room 1
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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