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PUBLIC SERVICE

COMMISSION

#### **VIA OVERNIGHT MAIL**

January 3, 2008

Beth A. O'Donnell, Executive Director Kentucky Public Service Commission 211 Sower Boulevard Frankfort, Kentucky 40602

Re: Case No. 2007-00460

Dear Ms. O'Donnell:

Please find enclosed the original and twelve (12) copies of the PETITION TO INTERVENE OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. filed in the above-referenced matter.

By copy of this letter, all parties listed on the attached Certificate of Service been served. Please place these documents of file.

Very Truly Yours,

Michael L. Kurtz, Esq. Kurt J. Boehm, Esq.

**BOEHM, KURTZ & LOWRY** 

MLKkew Attachment

cc: Certificate of Service

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy, by regular U.S. mail (unless otherwise noted) to all parties on the 3<sup>rd</sup> day of January, 2008.

Honorable James M Miller Attorney at Law Sullivan, Mountjoy, Stainback & Miller, PSC 100 St. Ann Street P.O. Box 727 Owensboro, KY 42302-0727

David A Spainhoward Vice President Big Rivers Electric Corporation 201 Third Street P. O. Box 24 Henderson, KY 42420

Honorable Kendrick R Riggs Attorney at Law Stoll Keenon Ogden, PLLC 2000 PNC Plaza 500 W Jefferson Street Louisville, KY 40202-2828 Honorable Allyson K Sturgeon Attorney at Law E.ON U.S. Services, Inc. 220 West Main Street Louisville, KY 40202

David C. Brown, Esq. STITES & HARBISON 1800 Providian Center 400 West Market Street Louisville, KY 40202

> Kurt J. Boehm, Esq. Michael L. Kurtz, Esq.

## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter Of: The Application of Big Rivers	:	
Electric Corporation, for Approval of Environmental	:	Case No. 2007-00460
Compliance Plan and Environmental Surcharge Tariff	:	
	:	

# PETITION TO INTERVENE OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.

Pursuant to K.R.S. §278.310 and 807 KAR 5:001 Section 3(8), Kentucky Industrial Utility Customers, Inc. ("KIUC") requests that it be granted full intervenor status in the above-captioned proceeding and states in support thereof as follows:

- 1. KIUC is an association of the largest electric and gas public utility customers in Kentucky. The purpose of KIUC is to represent the industrial viewpoint on energy and utility issues before this Commission and before all other appropriate governmental bodies. The members of KIUC who purchase electricity from Big Rivers Electric Corporation through Kenergy who will participate herein are: Alcan Primary Products Corporation, Century Aluminum of Kentucky, LLC, Commonwealth Aluminum Corporation, Domtar Paper Co., LLC and Kimberly Clark Corporation. KIUC will supplement its Petition with the names of additional participating members as this information becomes known.
- 2. All five of the KIUC member companies listed above are direct serve industrial customers who receive power at transmission voltage. The usage and load profile of each is different. However, all KIUC member companies have a similar interest in ensuring that the proposed environmental surcharge is cost-effective and results in just and reasonable rates.
- 3. The matters being decided by the Commission in this case may have a significant impact on the rates paid by KIUC members for electricity. Electricity represents a significant cost of doing business for KIUC members. The attorneys for KIUC authorized to represent them in this proceeding and to take service of all documents are:

Michael L. Kurtz, Esq. Kurt J. Boehm, Esq. BOEHM, KURTZ & LOWRY 36 E. Seventh Street, Suite 1510 Cincinnati, Ohio 45202 Ph: (513) 421-2255, Fax: (513) 421-2765 E-Mail: mkurtz@BKLlawfirm.com

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4. The position of KIUC cannot be adequately represented by any existing party. KIUC intends to play a constructive role in the Commission's decision making process herein and KIUC's participation will not unduly prejudice any party.

WHEREFORE, KIUC requests that it be granted full intervenor status in the above captioned proceeding.

Respectfully submitted,

Michael L. Kurtz, Esq. Kurt J. Boehm, Esq.

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COUNSEL FOR KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.

January 3, 2008