

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)
THE FUEL ADJUSTMENT CLAUSE OF BIG)
RIVERS ELECTRIC CORPORATION FROM JULY) CASE NO. 2010-00495
17, 2009 THROUGH OCTOBER 31, 2010)

O R D E R

Pursuant to 807 KAR 5:056, Section 1(12), IT IS HEREBY ORDERED that:

1. Big Rivers Electric Corporation ("Big Rivers") shall appear in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, on March 22, 2011 at 10:00 a.m., Eastern Daylight Time, to submit itself to examination on the application of its Fuel Adjustment Clause ("FAC") from July 17, 2009 to October 31, 2010.
2. Not less than 7 days nor more than 21 days prior to the scheduled hearing, Big Rivers shall publish in a newspaper of general circulation in each area in which it serves, notice of the purpose, time, place and date of the scheduled hearing.
3. Big Rivers shall file with the Commission no later than March 18, 2011 proof of publication of its notice for the hearing.
4. The Commission adopts the procedural schedule set forth in Appendix A to this Order, which is incorporated by reference herein.
5. a. Big Rivers shall file with the Commission, on or before February 14, 2011, its responses to all requests for information listed in Appendix B. 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 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 association or a governmental agency, be accompanied by a signed certification of the preparer or the 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 subsequently incorrect in any material respect.

d. For any request to which a party 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 shall be given to copied material to ensure its legibility. 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. When applicable, the requested information shall be provided for total company operations and jurisdictional operations, separately.

6. Big Rivers shall, on or before February 14, 2011, file with the Commission written direct testimony of the witnesses Big Rivers intends to call at the scheduled

hearing in this matter. The written direct testimony of these witnesses shall address, inter alia, the following issues:

a. The reasonableness of Big Rivers' fuel procurement practices during the review period;

b. Coal suppliers' adherence to contract delivery schedules during the review period;

c. Big Rivers' efforts to ensure coal suppliers' adherence to contract delivery schedules during the review period;

d. Big Rivers' efforts to maintain the adequacy of its coal supplies in light of any coal supplier's inability or unwillingness to make contract coal deliveries;

e. Any changes in coal market conditions that occurred during the review period or that Big Rivers expects to occur within the next two years that have significantly affected or will significantly affect Big Rivers' coal procurement practices; and

f. Any changes in the wholesale electric power market that occurred during the review period or that Big Rivers expects to occur within the next two years that have significantly affected or will significantly affect Big Rivers' electric power procurement practices.

7. At the scheduled hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.

8. Any party that files testimony in this proceeding shall file the original and ten copies of that testimony.

9. Service of any document or pleading shall be made in accordance with 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

10. All documents that the Commission requires any party to file with the Commission shall also be served upon all parties of record.

11. Intervenors may serve interrogatories and requests for production of documents upon Big Rivers in accordance with the procedural schedule set forth in Appendix A.

12. All documents that Big Rivers filed with the Commission pursuant to 807 KAR 5:056, Section 1(7) and 1(9), for the period under review are incorporated by reference into the record of this proceeding.

13. The records of Case No. 2009-00510¹ and Case No. 2010-00269² are incorporated by reference into this proceeding.

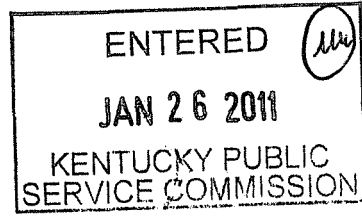
14. Any intervening party that intends to file testimony in this matter shall advise the Commission in writing of its intent to do so and shall, no later than February 25, 2011, move for modification of the procedural schedule, if necessary, to permit the filing of its testimony.

15. Motions for extensions of time shall be made in writing and will be granted only upon a showing of good cause.

¹ Case No. 2009-00510, An Examination of the Application of the Fuel Adjustment Clause of Big Rivers Electric Corporation from July 17, 2009 through October 31, 2009.

² Case No. 2010-00269, An Examination of the Application of the Fuel Adjustment Clause of Big Rivers Electric Corporation from November 1, 2009 through April 30, 2010.

By the Commission



ATTEST:

Executive Director

Case No. 2010-00495

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2010-00495 DATED JAN 26 2011

Big Rivers shall file with the Commission the direct testimony of its witnesses in verified prepared form and the responses to requests for information set forth in Appendix B no later than	02/14/2011
Intervenors and Commission Staff may serve interrogatories and requests for production of documents upon Big Rivers no later than.....	02/25/2011
Big Rivers shall file with the Commission responses to interrogatories and requests for production of documents no later than.....	03/07/2011
Last day for Big Rivers to publish notice of hearing date	03/15/2011
Public Hearing is to begin at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses	03/22/2011

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2010-00495 DATED JAN 26 2011

1. State the month to be used as the base period (b). Include a comprehensive, detailed explanation of the factors considered in the selection of this month as being representative of the net generating cost per kWh that Big Rivers will incur between November 1, 2010 and October 31, 2012 ("the next two-year period"). If no change is proposed, include a narrative explanation of the reason(s) Big Rivers believes the current base period fuel cost should remain unchanged.

2. Provide a calculation of the fossil fuel costs F(b) that Big Rivers proposes to use to calculate the base period fuel cost. This calculation shall show each component of F(b) as defined by 807 KAR 5:056. Explain why the fuel cost in the selected base period is representative of the level of fuel cost that Big Rivers will incur during the next two-year period.

3. Provide a schedule showing each component of sales as defined by 807 KAR 5:056 in the selected base period (b). Explain why Big Rivers believes that the sales in the selected base period (b) are representative of the level of kWh sales that Big Rivers will derive from the level of fuel cost incurred during the selected base period (b).

4. Provide a schedule showing the calculation of Big Rivers' proposed increase or decrease in its base fuel cost per kWh to be incorporated into its base rate.

5. Provide Big Rivers' most recent projected fuel requirements for the years 2011 and 2012 in tons and dollars.

6. Provide Big Rivers' most recent sales projections for the years 2011 and 2012 in kWh and dollars.
7. Provide separately the amounts of power purchases used in the calculation of sales provided in response to Item 3.
8. Provide separately the amounts of intersystem power sales used in the calculation of sales provided in response to Item 3.
9. Provide the planned maintenance schedule for each of Big Rivers' generating units for the years 2011 and 2012.
10. For the years ending October 31, 2009 and October 31, 2010, provide:
 - a. Maximum annual system demand; and
 - b. Average annual demand.
11. List all firm power commitments for Big Rivers for the years 2011 and 2012 for (a) purchases and (b) sales. This list shall identify the other party (buyer or seller), the amount of commitment in MW, and the purpose of the commitment (e.g., peaking, emergency).
12. Provide a monthly billing summary for all sales to all electric utilities for the period July 17, 2009 through October 31, 2010.
13.
 - a. Provide a schedule of the calculation of the 12-month average line loss by month for July 2009 through October 2010.
 - b. Describe the actions that Big Rivers has taken to reduce line loss during this period.
14. List Big Rivers' scheduled, actual, and forced outages between May 1, 2010 and October 31, 2010.

15. For each existing fuel contract categorized as long-term (i.e., one year or more in length), provide:

- a. Supplier's name and address;
- b. Name and location of production facility;
- c. Date when contract was executed;
- d. Duration of contract;
- e. Date(s) of each contract revision, modification, or amendment;
- f. Annual tonnage requirements;
- g. Actual annual tonnage received since the contract's inception;
- h. Percent of annual requirements received during the contract's term;
- i. Base price in dollars per ton;
- j. Total amount of price escalations to date in dollars per ton; and
- k. Current price paid for coal under the contract in dollars per ton (i + j).

16. Provide a schedule of the present and proposed rates that Big Rivers seeks to change pursuant to 807 KAR 5:056, shown in comparative form.

17. Provide a statement showing by cross-outs and italicized inserts all proposed changes in rates. A copy of the current tariff may be used.

18. a. State whether Big Rivers regularly compares the price of its coal purchases with those paid by other electric utilities.

b. If yes, state:

(1) The utilities that are included in this comparison and their locations; and

(2) How Big Rivers' prices compare with those of the other utilities for the review period. Include all prices used in the comparison.

19. List the percentage of Big Rivers' coal, as of the date of this Order, that is delivered by:

- a. Rail;
- b. Truck; or
- c. Barge.

20. a. State Big Rivers' coal inventory level in tons and in number of days' supply as of October 31, 2010. Provide this information by generating station and in the aggregate.

- b. Describe the criteria used to determine the number of days' supply.
- c. Compare Big Rivers' coal inventory as of October 31, 2010 to its

inventory target for that date for each plant and for total inventory.

d. If actual coal inventory exceeds inventory target by 10 days' supply, state the reasons for the additional inventory.

e. (1) State whether Big Rivers expects any significant changes in its current coal inventory target within the next 12 months.

(2) If yes, state the expected change and the reasons for this change.

21. a. State whether Big Rivers has audited any of its coal contracts during the period from May 1, 2010 to October 31, 2010.

b. If yes, for each audited contract:

- (1) Identify the contract;

- (2) Identify the auditor;
- (3) State the results of the audit; and
- (4) Describe the actions that Big Rivers took as a result of the

audit.

22. a. State whether Big Rivers has received any customer complaints regarding its FAC during the period from May 1, 2010 to October 31, 2010.

b. If yes, for each complaint, state:

- (1) The nature of the complaint; and
- (2) Big Rivers' response.

23. a. State whether Big Rivers is currently involved in any litigation with its current or former coal suppliers.

b. If yes, for each litigation:

- (1) Identify the coal supplier;
- (2) Identify the coal contract involved;
- (3) State the potential liability or recovery to Big Rivers;
- (4) List the issues presented; and
- (5) Provide a copy of the complaint or other legal pleading that

initiated the litigation and any answers or counterclaims. If a copy has previously been filed with the Commission, provide the date on which it was filed and the case in which it was filed.

c. State the current status of all litigation with coal suppliers.

24. List each written coal supply solicitation issued during the period May 1, 2010 to October 31, 2010.

a. For each solicitation, provide the date of the solicitation (contract or spot), the quantities solicited, a general description of the quality of coal solicited, the time period over which deliveries were requested, and the generating units(s) for which the coal was intended.

b. For each solicitation, state the number of vendors to whom the solicitation was sent, the number of vendors who responded, and the selected vendor. Provide the bid tabulation sheet or corresponding document that ranks the proposals. (This document shall identify all vendors who made offers.) State the reasons for each selection. For each lowest cost bid not selected, explain why the bid was not selected.

25. List each oral coal supply solicitation issued during the period from May 1, 2010 to October 31, 2010.

a. For each solicitation, state why the solicitation was not written, the date(s) of the solicitation, the quantities solicited, a general description of the quality of coal solicited, the time period over which deliveries were requested, and the generating unit(s) for which the coal was intended.

b. For each solicitation, identify all vendors solicited and the vendor selected. Provide the bid tabulation sheet or other document that ranks the proposals. (This document shall identify all vendors who made offers.) State the reasons for each selection. For each lowest cost bid not selected, explain why the bid was not selected.

26. For the period from May 1, 2010 to October 31, 2010, list each vendor from whom coal was purchased and the quantity and nature of each purchase (e.g., spot or contract). Provide the percentage of purchases that were spot versus contract.

27. For the period from May 1, 2010 to October 31, 2010, list each vendor from whom natural gas was purchased for generation and the quantity and nature of each purchase (e.g., spot or contract). Provide the percentage of purchases that were spot versus contract.

28. For each generating station or unit for which a separate coal pile is maintained, state for the period from May 1, 2010 to October 31, 2010 the actual amount of coal burned in tons, actual amount of coal deliveries in tons, total kWh generated, and actual capacity factor at which the plant operated.

29. a. During the period from May 1, 2010 to October 31, 2010, have there been any changes to Big Rivers' written policies and procedures regarding its fuel procurement?

b. If yes,

(1) Describe the changes;

(2) State the date(s) the changes were made;

(3) Explain why the changes were made; and

(4) Provide the written policies and procedures as changed.

c. If no, provide the date when Big Rivers' current fuel procurement policies and procedures were last changed, when they were last provided to the Commission, and identify the proceeding in which they were provided.

30. a. State whether Big Rivers is aware of any violations of its policies and procedures regarding fuel procurement that occurred prior to or during the period from May 1, 2010 to October 31, 2010.

b. If yes, for each violation:

- (1) Describe the violation;
- (2) Describe the action(s) that Big Rivers took upon discovering the violation.
- (3) Identify the person(s) who committed the violation.

31. Identify and explain the reasons for all changes in the organizational structure and personnel of the departments or divisions that are responsible for Big Rivers' fuel procurement activities that occurred during the period from May 1, 2010 to October 31, 2010.

32. a. Identify all changes that Big Rivers made during the period from May 1, 2010 to October 31, 2010 to its maintenance and operation practices that affect fuel usage at Big Rivers' generation facilities.

b. Describe the impact of these changes on Big Rivers' fuel usage.

33. a. List all intersystem sales during the period from May 1, 2010 to October 31, 2010 in which Big Rivers used a third party's transmission system.

b. For each sale listed above:

(1) Describe how Big Rivers addressed, for FAC reporting purposes, the cost of fuel expended to cover any line losses incurred to transmit its power across the third party's transmission system; and

(2) State the line loss factor used for each transaction and describe how such line loss factor was determined.

34. Describe each change that Big Rivers made to its methodology for calculating intersystem sales line losses during the period from May 1, 2010 to October 31, 2010.

35. State whether Big Rivers has solicited bids for coal with the restriction that it was not mined through strip mining or mountain top removal. If yes, explain the reasons for the restriction on the solicitation, the quantity in tons and price per ton of the coal purchased as a result of this solicitation, and the difference between the price of this coal and the price it could have obtained for the coal if the solicitation had not been restricted.

36. a. If its two-year case results in a roll-in of fuel costs into Big Rivers' base rates, does Big Rivers prefer using a "flash cut" approach, which results in an immediate change from its existing base fuel cost to its new base fuel cost, or a "transitional approach" in which the first month's fuel cost is an average of the old and new base fuel cost? Explain.

b. If its two-year case results in a roll-in of fuel costs into Big Rivers' base rates, does Big Rivers prefer changing its rates on a "bills rendered" basis or a "service rendered" basis? Explain.

Albert Yockey
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