

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC )  
CORPORATION FOR APPROVAL OF ITS )  
2012 ENVIRONMENTAL COMPLIANCE )  
PLAN, FOR APPROVAL OF ITS AMENDED )  
ENVIRONMENTAL COST RECOVERY )  
SURCHARGE TARIFF, FOR CERTIFICATES )  
OF PUBLIC CONVENIENCE AND )  
NECESSITY, AND FOR AUTHORITY TO )  
ESTABLISH A REGULATORY ACCOUNT )

Case No: 2012-00063

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PUBLIC SERVICE  
COMMISSION

ATTORNEY GENERAL'S  
MOTION TO DISMISS

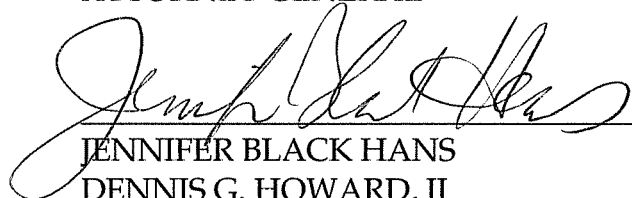
Comes the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and hereby joins the Kentucky Industrial Utility Customers, Inc. ("KIUC") in their motion that the Kentucky Public Service Commission ("Commission") enter an Order dismissing the instant action initiated by Big Rivers Electric Corporation ("Big Rivers"). The Attorney General supports KIUC's well-reasoned and articulated position that the Application filed by Big Rivers on April 2, 2012 ("Application") fails to provide sufficient evidence with which the Commission can make the determinations required under KRS 278.183 and KRS 278.020. Therefore, Big Rivers has not made a *prime facie* showing and has failed to meet its burden of proof with substantial evidence.

Based on the foregoing, the Attorney General requests that the Commission dismiss the instant action without prejudice. Further the Attorney General requests that

the Commission direct Big Rivers that, in any future filing relating to this matter, it employ full transparency and provide the evidence necessary to permit the Commission: (1) to assess whether the Application satisfies the requirements of KRS 278.183 and KRS 278.020; (2) to determine whether the Application demonstrates the least and best cost option for ratepayers; and (3) to determine that the Application is otherwise in the public interest and consistent with the provisions of KRS Chapter 278.

Respectfully submitted,

JACK CONWAY  
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Jennifer Black Hans", is written over a horizontal line.

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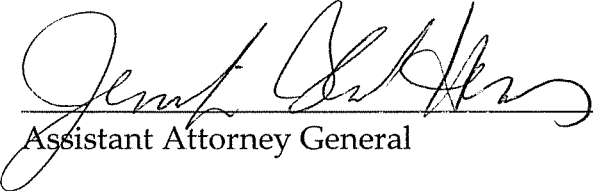
*Certificate of Service and Filing*

Counsel certifies that an original and ten photocopies of the foregoing were served and filed by ~~hand-delivery~~ to Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; counsel further states that true and accurate copies of the foregoing were mailed via First Class U.S. Mail, postage pre-paid, to:

Honorable James M Miller  
Sullivan, Mountjoy, Stainback & Miller, PSC  
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Michael L. Kurtz, Esq.  
Boehm, Kurtz & Lowry  
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Cincinnati, Ohio 45202

this <sup>24<sup>th</sup></sup> day of April, 2012

  
Assistant Attorney General