

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

RECEIVED

AUG 12 2013

PUBLIC SERVICE
COMMISSION

Via Overnight Mail

August 9, 2013

Mr. Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: Case No. 2013-00221

Dear Mr. Derouen:

Please find enclosed the original and ten (10) copies of the REPLY OF KIUC TO THE RESPONSES OF BIG RIVERS, KENERGY AND CENTURY TO KIUC'S MOTION TAKE ADMINISTRATIVE NOTICE for filing in the above-referenced matter.

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

Very Truly Yours,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

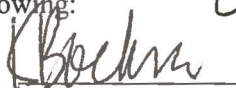
BOEHM, KURTZ & LOWRY

MLKkew
Attachment

cc: Certificate of Service
Quang Nyugen, Esq.
Richard Raff, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail (when available) and by U.S. Mail, unless other noted, this 9th day of August, 2013 to the following:



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.

Honorable Thomas C Brite
Attorney At Law
Brite & Hopkins, PLLC
83 Ballpark Road
P.O. Box 309
Hardinsburg, KENTUCKY 40143

Edward T Depp
Dinsmore & Shohl, LLP
101 South Fifth Street, Suite 2500
Louisville, KENTUCKY 40202

Michael Early
Century Aluminum
1300 SW Fifth Avenue, Suite 1750
Portland, OREGON 97201

Jennifer B Hans
Dennis G. Howard, II
Lawrence W. Cook
Assistant Attorney General's Office
1024 Capital Center Drive, Ste 200
Frankfort, KENTUCKY 40601-8204

J. Christopher Hopgood
Dorsey, King, Gray, Norment & Hopgood
318 Second Street
Henderson, KENTUCKY 42420

Bernard F Lovely
Bowles Rice McDavid Graff & Love LLP Attorneys
333 West Vine Street, Suite 1700
Lexington, KENTUCKY 40507-1639

James M Miller
Tyson Kamuf
Sullivan, Mountjoy, Stainback & Miller, PSC
100 St. Ann Street
P.O. Box 727
Owensboro, KENTUCKY 42302-0727

G. Kelly Nuckols
President & CEO
Jackson Purchase Energy Corporation
2900 Irvin Cobb Drive
P. O. Box 4030
Paducah, KY 42002-4030

DeAnna Speed
Director Rates and Budgets
Big Rivers Electric Corporation
201 Third Street
Henderson, KY 42419-0024

Gregory J Starheim
President and CEO
Kenergy Corp.
6402 Old Carydon Road
P. O. Box 18
Henderson, KY 42419

Robert A. Weishaar, Jr.
McNees Wallace & Nurick LLC
777 N. Capitol Street, NE, Suite 401
Washington, DISTRICT OF COLUMBIA

Melissa D Yates, Attorney
Denton & Keuler, LLP
555 Jefferson Street
P. O. Box 929
Paducah, KENTUCKY 42002-0929

David Brown
Stites & Harbison, PLLC
1800 Providian Center
400 West Market Street
Louisville, KENTUCKY 40202

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 12 2013

PUBLIC SERVICE
COMMISSION

In The Matter of: The Joint Application of Kenergy Corp. and : Case No. 2013-00221
Big Rivers Electric Corporation for Approval of Contracts and :
For a Declaratory Order :

**REPLY OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.
TO THE RESPONSES OF BIG RIVERS, KENERGY AND CENTURY
TO KIUC'S MOTION TO TAKE ADMINISTRATIVE NOTICE**

On August 7, 2013, Kentucky Industrial Utility Customers, Inc. ("KIUC") moved the Commission to take administrative notice of the August 6, 2013, pre-filed Testimony of Jorge Vazquez regarding projected increases in LME aluminum prices in 2014 and 2015, on behalf of Ormet Primary Aluminum, in the Public Utilities Commission of Ohio, Case No. 09-119-EL-AEC. KIUC submits this Reply to the Response of Century Aluminum of Kentucky General Partnership and the Joint Response of Big Rivers Electric Corporation and Kenergy Corp. to KIUC's Motion to Take Administrative Notice.

KIUC has highlighted Mr. Vazquez's Testimony because it is relevant to the question of whether Century is likely to be in a position to contribute to paying for stranded costs. This Testimony reaffirms the positive LME projections that Century presented to the West Virginia Commission¹ in West Virginia PSC Case No. 12-0613-E-PC, but was not submitted to the Kentucky Commission. Mr. Vazquez's projections that the LME will substantially increase were not available at the time that KIUC's pre-filed testimony was submitted or when the Hearing was conducted on July 28, 2013.

¹ See *Century Aluminum of West Virginia, Inc. Petition for Consent and Approval of a Special Rate for Purchase of Electricity*, Case No. 12-0613-E-PC, Order (Oct. 4, 2012) ("WV Order") at 26.

Although the Responses of Big River, Kenergy and Century state that KIUC has had sufficient time to present evidence of future aluminum prices,² this is clearly not accurate given the extremely expedited schedule in this case. The Commission is not bound by technical rules of evidence and it is within the Commission's discretion to take administrative notice of Mr. Vazquez's Testimony. KIUC recommends that the Commission take official notice of Mr. Vasquez's Testimony and give it whatever weight it deems appropriate.

Respectfully submitted,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: (513) 421-2255 Fax: (513) 421-2764

E-Mail: mkurtz@BKLawfirm.com

kboehm@BKLawfirm.com

jkylercohn@BKLawfirm.com

**COUNSEL FOR KENTUCKY INDUSTRIAL
UTILITY CUSTOMERS, INC.**

August 9, 2013

² Joint Response of Big Rivers and Kenergy, p. 4.; Response of Century, p. 4.