

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF KENERGY CORP.)
AND BIG RIVERS ELECTRIC CORPORATION) Case No. 2013-00413
FOR APPROVAL OF CONTRACTS AND FOR)
A DECLARATORY ORDER)

**ATTORNEY GENERAL'S RESPONSE TO MOTION OF JOINT PETITIONERS
FOR INCORPORATION BY REFERENCE**

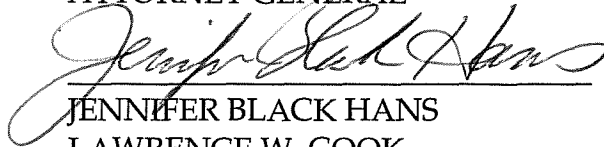
Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and states as follows for his response to Joint Petitioners' Motion seeking the Commission's approval for incorporating the record of Case No. 2013-00221 by reference into the record of this case.

Although the Attorney General is not opposed to the motion, he strongly believes that all parties should be allowed to maintain due process rights for complete participation in this case. This includes the right to engage in discovery, participate in any informal conferences that are held, file testimony, briefs, to request and participate in a full evidentiary hearing if the parties see fit and the Commission deems it appropriate, and such other motions as they may choose.¹

¹ On November 26, 2013, the Commission issued an expedited procedural schedule in this matter, including a public hearing scheduled for January 6, 2013, which is one day prior to the evidentiary hearing scheduled in Big Rivers' base rate case, Case No. 2013-00199. Having applied for full intervention herewith, the Attorney General will abide by the procedural schedule ordered, subject to the Commission's ruling regarding incorporation by reference and any other rulings the Commission may make prior to hearing.

Nonetheless, this response should not be construed as a request for a hearing. The Attorney General reserves his rights to request or participate in any evidentiary hearing, and if so, the extent thereof.

Respectfully submitted,
JACK CONWAY
ATTORNEY GENERAL

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

JENNIFER BLACK HANS
LAWRENCE W. COOK
ASSISTANT ATTORNEYS GENERAL
1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT KY 40601-8204
(502) 696-5453
FAX: (502) 573-8315
Jennifer.Hans@ag.ky.gov
Larry.Cook@ag.ky.gov

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:

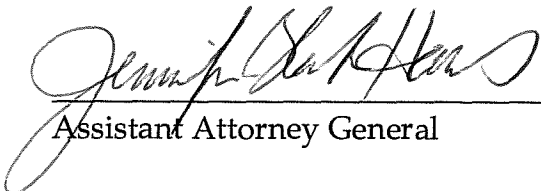
Hon. James M. Miller
Sullivan, Mountjoy, Stainback & Miller, PSC
P.O. Box 727
Owensboro, KY 42302-0727

Hon. Edward Depp
Dinsmore & Shohl, LLP
101 South 5th St.
Ste. 2500
Louisville, KY 40202

Hon. J. Christopher Hopgood
Dorsey, King, Gray, Norment & Hopgood
318 Second St.
Henderson, KY 42420

Hon. Michael L. Kurtz
Boehm, Kurtz & Lowry
36 E. 7th St.
Ste. 1510
Cincinnati, OH 45202

this 27th day of November, 2013


Assistant Attorney General