

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR A DECLARATORY ORDER)	CASE NO.
)	2016-00278
)	

ORDER

On May 1, 2017, the Commission issued an Order granting the joint motion of Big Rivers Electric Corporation (“Big Rivers”) and the city of Henderson, Kentucky, and the Henderson Utility Commission d/b/a Henderson Municipal Power & Light (collectively “Henderson”), requesting that the Commission place this matter in abeyance to permit the parties to explore resolution of the issues presented in this case. The May 1, 2017 Order placed the matter in abeyance until July 20, 2017, to allow the parties a reasonable amount of time in which to engage in settlement discussions. In accordance with the May 1, 2017 Order, Big Rivers and Henderson separately filed on July 20, 2017, a status report of their settlement discussions. Both parties indicated that no settlement has been achieved, but that they could possibly come to an amicable resolution of the issues presented in this matter. Big Rivers requested a 30-day continuance of the abeyance period to allow the parties to continue settlement discussions. Henderson states that it had no objections to Big Rivers’ request to hold the matter in abeyance for another 30 days. Big Rivers and Henderson committed to filing another status report on or before August 20, 2017.

By Order dated August 1, 2017, the Commission granted the parties request for a 30-day extension of the abeyance period. The August 1, 2017 Order also directed the parties to submit a status report on or before August 20, 2017. Big Rivers and Henderson separately filed status reports on August 21, 2017, indicating that the parties had been unable to reach settlement. However, both parties stated that they are still in discussions and believe that they may be able to resolve this matter through continued negotiation. Accordingly, the parties request an additional 30-day extension of the abeyance period to allow continued settlement discussions. The parties commit to submitting a status report on or before September 20, 2017.

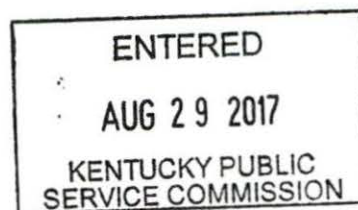
Having reviewed the status reports and being otherwise sufficiently advised, the Commission finds that the parties have failed to establish good cause to permit a 30-day extension of the abeyance period. The Commission notes that: the instant application was filed over a year ago on July 29, 2017; discovery has been completed; an evidentiary hearing was conducted on February 7, 2017; and the parties have filed post-hearing briefs, the last of which was Big Rivers' reply brief submitted on March 21, 2017. We further note that the matter has been held in abeyance since April 20, 2017, at the request of the parties to allow them to engage in settlement discussions. The Commission finds that the parties have been provided more than sufficient time to informally resolve the issues in this proceeding. Therefore, the Commission will deny the parties request for an additional 30-day extension of the abeyance period. The Commission, however, will allow the parties a final 14-day extension from the date of this Order in which to reach a settlement. If the parties are unable to do so at the end of

this 14-day extension, the Commission will issue a final Order resolving this matter on the merits.

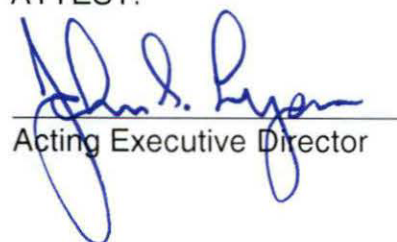
IT IS THEREFORE ORDERED that:

1. Big Rivers' and Henderson's request for a 30-day extension of the abeyance period is denied.
2. The abeyance period shall be extended an additional 14 days from the date of this Order.
3. Big Rivers and Henderson shall, individually or jointly, file a status report with the Commission no later than 14 days from the issuance of this Order.
4. If Big Rivers and Henderson are unable to reach a settlement agreement during the 14-day extension period, the Commission shall shortly thereafter issue a final Order based on the merits of this matter.

By the Commission



ATTEST:


Acting Executive Director

*Dawn Kelsey
City Attorney
City of Henderson
222 First Street
Henderson, KENTUCKY 42420

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

*Honorable John N Hughes
Attorney at Law
124 West Todd Street
Frankfort, KENTUCKY 40601

*Big Rivers Electric Corporation
201 Third Street
P. O. Box 24
Henderson, KY 42420

*H. Randall Redding
King, Deep & Branaman
127 North Main Street
P.O. Box 43
Henderson, KENTUCKY 42419

*Sharon W Farmer
King, Deep & Branaman
127 North Main Street
P.O. Box 43
Henderson, KENTUCKY 42419