

RECEIVED

**BOEHM, KURTZ & LOWRY**

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

MAR 14 2018

PUBLIC SERVICE  
COMMISSION

**VIA OVERNIGHT MAIL**

March 13, 2018

Gwen R. Pinson, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

**Re: Case Nos. 2017-00384**

Dear Ms. Pinson:

Please find enclosed the original and ten (10) copies of the MOTION TO INTERVENE OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. 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 this document of file.

Very Truly Yours,

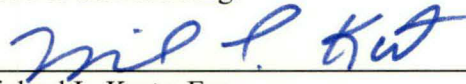


Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**

MLKkew  
Attachment  
cc: Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail (when available) or by regular, U.S. mail, unless otherwise noted, this 13<sup>th</sup> day of March, 2018 to the following:



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

Justin M. McNeil  
Office of the Attorney General Office of Rate  
700 Capitol Avenue, Suite 20  
Frankfort, KENTUCKY 40601-8204

Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue, Suite 20  
Frankfort, KENTUCKY 40601-8204

Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue, Suite 20  
Frankfort, KENTUCKY 40601-8204

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

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

RECEIVED

MAR 14 2018

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE  
COMMISSION

In The Matter Of The Application Of: The 2017 Integrated : Case No. 2017-00384  
Resource Plan of Big Rivers Electric Corporation :

---

---

MOTION TO INTERVENE OF  
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.

---

Pursuant to 807 KAR 5:001, Section 4(11), KRS 278.310, and KRS 278.040(2), Kentucky Industrial Utility Customers, Inc. (“KIUC”) requests that it be granted full intervenor status in the above-captioned proceeding(s) and states in support thereof as follows:

1. **Administrative Standard For Intervention**

807 KAR 5:001, Section 4(11)(a)(1) requires that a person requesting leave to intervene as a party to a case before the Kentucky Public Service Commission (“Commission”), by timely motion, must state his or her interest in the case and how intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

807 KAR 5:001, Section 4(11)(b) provides that the Commission shall grant a person leave to intervene if the Commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

2. **Identity of Intervenor**

KIUC is an association of the largest electric and gas public utility customers in Kentucky. The purpose of KIUC is to represent the industrial viewpoint on energy and utility issues before this Commission and before

all other appropriate governmental bodies. The attorneys for KIUC authorized to represent them in this proceeding and to take service of all documents are:

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) 421-2765  
E-Mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

**3. KIUC's Motion to Intervene is Timely**

KIUC is filing this Motion to Intervene on March 12, 2018 prior to the May 25, 2018 deadline as set forth in the Commission's November 9, 2017 Order.

**4. KIUC's Interest in this Proceeding**

KIUC has a special interest in the above-captioned proceeding. The members of KIUC who are served by Big Rivers Electric Corporation ("Big Rivers") through Kenergy Corp. and will participate herein include some of the utility's biggest customers, specifically: Domtar Paper Co., LLC and Kimberly Clark Corporation.

KIUC's special interest cannot be otherwise adequately represented by any existing party. While the Kentucky Attorney General's Office of Rate Intervention is statutorily charged with representing the interests of "consumers" pursuant to KRS 367.150(8), in practice that duty relates primarily to representing the interests of residential customers. In contrast, KIUC is focused solely on representing the perspective of large industrial customers. Moreover, because its membership consists of several large manufacturers in Kentucky, KIUC can provide a direct channel into the viewpoint of industrial customers on the issues at hand.

KIUC's intervention will not unduly complicate or disrupt the proceedings as KIUC intends to play a constructive role in the Commission's decision-making process.

**5. KIUC Will Present Issues That Will Assist the Commission's Consideration of Big Rivers' IRP.**

KIUC has been an active participant in almost all major Big Rivers rate matters over the last ten years, including:

- *Examination Of The Application Of The Fuel Adjustment Clause Of Big Rivers Electric Corporation From November 1, 2016 Through April 30, 2017, Case No. 2017-00287*
- *Filing Of Agreement For The Purchase And Sale Of Firm Capacity And Energy Between Big Rivers Electric Corporation And The Kentucky Municipal Energy Agency, Case No. 2016-00306*
- *Examination Of The Application Of The Fuel Adjustment Clause Of Big Rivers Electric Corporation From November 1, 2012 Through October 31, 2014, Case No. 2014-00455*
- *Examination Of The Application Of The Fuel Adjustment Clause Of Big Rivers Electric Corporation From November 1, 2013 Through April 30, 2014, Case No. 2014-00230*
- *2014 Integrated Resource Plan Of Big Rivers Electric Corporation, Case No. 2014-00166*
- *Big Rivers Electric Corporation's Filing Of Wholesale Contracts Pursuant To KRS 278.180 And 807 KAR 5:011 §13, Case No. 2014-00134*
- *Joint Application Of Kenergy Corp. And Big Rivers Electric Corporation For Approval Of Contracts And For A Declaratory Order, Case No. 2013-00413*
- *Application Of Kenergy Corp. For Approval Of Flow Through Rates Pursuant To KRS 278.455, Case No. 2013-00385*
- *Joint Application Of Kenergy Corp. And Big Rivers Electric Corporation For Approval Of Contracts And For A Declaratory Order, Case No. 2013-00221*
- *Application Of Big Rivers Electric Corporation For An Adjustment Of Rates, Case No. 2013-00199*
- *Application Of Big Rivers Electric Corporation For A General Adjustment In Rates, Case No. 2012-00535*
- *Application Of Big Rivers Electric Corporation For Approval To Issue Evidences Of Indebtedness, Case No. 2012-00492*
- *Application Of Big Rivers Electric Corporation For Approval To Issue Evidences Of Indebtedness Case No. 2012-00119*
- *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*
- *Application Of Big Rivers Corporation For General Adjustment Of Rates, Case No. 2011-00036*
- *Application Of Big Rivers Corporation For Approval To Transfer Functional Control Of Its Transmission System To Midwest Independent Transmission System Operator, Inc., Case No. 2010-00043*
- *Application of Big Rivers Electric Corporation For A General Adjustment In Rates, Case No 2009-00040*
- *Application Of Big Rivers Electric Corporation, E.ON US, LLC, Western Kentucky Energy Corp., And LG&E Energy Marketing Inc., For Approval To Unwind Lease And Power Purchase Transactions, Case No. 2007-00455.*

Of special concern in this case is 1) the status of the idled Coleman generating facility and any environmental upgrades needed to restart that facility; 2) the impact on environmental and other costs of Big Rivers' long term sales to the Nebraska utilities, Missouri municipal utilities and to the Kentucky Municipal Energy Agency; 3) the financial implications of the retirement of Coleman; and 4) projected rate changes on native load customers including assumptions about the disposition of the depreciation deferral.

**WHEREFORE**, KIUC requests that it be granted full intervenor status in the above-captioned proceeding(s).

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  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

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

March 13, 2018