

BOEHM, KURTZ & LOWRY

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

TELECOPIER (513) 421-2764

RECEIVED

MAY 29 2018

PUBLIC SERVICE
COMMISSION

VIA OVERNIGHT MAIL

May 25, 2018

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

Re: Case Nos. 2018-00146

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 25th day of May, 2018 to the following:



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

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

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

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

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MAY 29 2018

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE
COMMISSION

In The Matter Of: Notice of Termination of Contracts and : Case No. 2018-00146
Application of Big Rivers Electric Corporation for a Declaratory :
Order and for Authority to Establish a Regulatory Asset :

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
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com

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

No procedural order establishing an intervention deadline has been issued, so this intervention is timely.

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. These two paper companies are major employers and drivers of the economy of Western Kentucky, and purchase approximately ten percent of the retail energy sold by the three distribution cooperatives that own Big Rivers.

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 manufacturers.

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' Request To Exit The HMP&L Station 2 Contract And Establish A Regulatory Asset of \$89.6 million.

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.*

As such, KIUC brings special skill and expertise that can assist the Commission.

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

jkylercohn@BKLawfirm.com

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

May 25, 2018