

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS)	
ELECTRIC CORPORATION FOR A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	CASE NO.
AUTHORIZING CONSTRUCTION OF A NEW)	2021-00314
HEADQUARTERS FACILITY AND AN ORDER)	
AUTHORIZING BIG RIVERS TO SELL ITS)	
EXISTING HEADQUARTERS FACILITY)	

ORDER

On August 26, 2021, Big Rivers Electric Corporation (BREC) filed an application pursuant to KRS 278.020, KRS 278.218, and 807 KAR 5:001, Section 14 and 15, requesting a Certificate of Public Necessity and Convenience (CPCN) to construct a new headquarters building and approving the sale of BREC's existing headquarters. The Commission finds that a procedural schedule should be established for the orderly processing of this matter. The procedural schedule is attached as an Appendix to this Order.

In the application, BREC requested a decision no later than November 24, 2021, because the funds that will be used for the project will be allocated in September. BREC explained that, if there was certainty of a decision by November 24, 2021, BREC could better secure financing. While the Commission uses its best efforts to render decisions by dates requested by a utility, because the Commission must conduct a thorough review of the proposed transaction, it may not be possible to render its decision by the date requested.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed.

2. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission.

3. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding that is not adequately represented in the case, or (2) that the person requesting permissive 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. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene filed after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

4. BREC shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov"; and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time publication is requested, BREC shall forward a duplicate of the notice and request to the Commission.

5. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

6. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

7. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

8. Nothing contained in this Order shall prevent the Commission from entering further Orders in this matter.

By the Commission

ENTERED
OCT 04 2021 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00314

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00314 DATED OCT 04 2021

Last day for intervention requests to be accepted.....	10/08/2021
All initial requests for information to BREC shall be filed no later than	10/12/2021
BREC shall file responses to initial requests for information no later than	10/22/2021
All supplemental requests for information to BREC shall be filed no later than	11/01/2021
BREC shall file responses to supplemental requests for information no later than.....	11/11/2021
Public Hearing to be held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses of BREC and Intervenors.....	To be scheduled
Post-Hearing Briefs, if any	To be scheduled

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