

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WOLF CREEK MINING COMPANY, INC.
COMPLAINANT

VS.

CASE NO. 90-086

KENTUCKY UTILITIES COMPANY,
HENDERSON-UNION RURAL ELECTRIC
COOPERATIVE CORPORATION, AND
BIG RIVERS ELECTRIC CORPORATION
DEFENDANTS

ORDER TO SATISFY OR ANSWER

Kentucky Utilities Company, Henderson-Union Rural Electric Cooperative Corporation and Big Rivers Electric Corporation ("Defendants") are hereby notified that they have been named as defendants in a formal complaint filed on April 6, 1990, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Defendants are HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Done at Frankfort, Kentucky, this 12th day of April, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WOLF CREEK MINING COMPANY, INC.)
)
) COMPLAINANT)
)
 V.)
)
 KENTUCKY UTILITIES COMPANY,)
)
 HENDERSON-UNION RURAL ELECTRIC)
 COOPERATIVE CORPORATION, and)
)
 BIG RIVERS ELECTRIC CORPORATION)
)
) DEFENDANTS)

CASE NO. 90-086

O R D E R

Wolf Creek Mining Company, Inc. ("Wolf Creek Mining") having moved for an order authorizing Henderson-Union Rural Electric Cooperative Corporation to immediately provide electric service to Wolf Creek Mining's new mine site in Union County, Kentucky, pending a final decision in this matter, and the Commission having reviewed this motion and being otherwise sufficiently advised,

IT IS HEREBY ORDERED that a hearing is scheduled for April 20, 1990, at 10:00 a.m., Eastern Daylight Time, in Hearing Room No. 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of hearing arguments on Wolf Creek Mining's motion, a copy of which is attached hereto as Appendix A.

Done at Frankfort, Kentucky, this 12th day of April, 1990.

ATTEST:

Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

APPENDIX A
APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 90-086 DATED 4/12/90

BEFORE THE PUBLIC SERVICE COMMISSION
Frankfort, Kentucky 40601

WOLF CREEK MINING COMPANY, INC.)
COMPLAINANT)
VS.) NO. _____)
KENTUCKY UTILITIES COMPANY)
1 Quality Street)
Lexington, KY 40507)
SERVE: Michael R. Whitley)
1 Quality Street)
Lexington, KY 40507)
-and-)
HENDERSON-UNION RURAL ELECTRIC)
COOPERATIVE)
U.S. 60S, P.O. Box 455)
Henderson, KY 42420)
SERVE: John F. West)
U.S. 60S, P.O. Box 455)
Henderson, KY 42420)
-and-)
BIG RIVERS ELECTRIC CORPORATION)
P.O. Box 24)
Henderson, KY 42420)
SERVE: W. H. Thorpe)
201 Third Street)
Henderson, KY 42420)
DEFENDANTS)

MOTION FOR IMMEDIATE HEARING AND TEMPORARY ORDERS

Complainant, by counsel, moves the Commission for the scheduling of an immediate hearing to determine whether it will issue a temporary order allowing Henderson Union Rural Electric Cooperative to immediately supply electrical service to the Complainant at its new mine site located in Union County Kentucky. For facts supporting this motion, see the formal complaint filed herewith, which is hereby incorporated by reference as though fully set out.

Complainant is caught in the middle of a power struggle between two utility giants who have informed the Complainant that problems such as it is presently experiencing had been informally resolved in the past. Under such circumstances, the Complainant will suffer

immediate and irreparable harm, injury or damage if the temporary relief requested is not granted. Temporary orders should issue to avoid such damage, harm or injury while the Commission considers the merits of the Complaint filed herein. An order allowing RECC to provide temporary electrical service can be of no harm to any Party hereto, as KU cannot presently supply such service, and the installation of RECC's service is solely at the expense of the Complainant.

LAW OFFICES OF STEVE P. ROBEY
THE TRADER BUIDLING
508 EAST MAIN STREET
POST OFFICE BOX 302
PROVIDENCE, KENTUCKY 42450
(502) 667-2096

BY: *Steve Robey*

Douglas E. Brown, President of Wolf Creek Mining Company, Inc., does hereby state that he has read the foregoing Motion and Complaint, and that the facts contained therein are true and correct to the best of his knowledge and belief.

Douglas E. Brown
Douglas E. Brown, President
Wolf Creek Mining Co., Inc.

COMMONWEALTH OF KENTUCKY
COUNTY OF WEBSTER

SWORN TO AND SUBSCRIBED before me by Douglas E. Brown on this the 6th day of April, 1990.

Amealia R. Zachary
Notary Public
Commission Expires: 1-29-92