

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)	
CORPORATION FOR TERMINATION OF)	CASE NO.
CONTRACTS AND A DECLARATORY ORDER)	2018-00146
AND FOR AUTHORITY TO ESTABLISH A)	
REGULATORY ASSET)	

ORDER

The matter is before the Commission upon a motion filed by Kentucky Industrial Utility Customers, Inc., (KIUC) seeking clarification of the Commission's July 11, 2018 Order. KIUC notes that the July 11, 2018 Order held in abeyance KIUC's pending motions to compel discovery, to stay the procedural schedule, and to schedule an informal conference. KIUC also points out that the July 11, 2018 Order directed KIUC and Big Rivers Electric Corporation (BREC) to file briefs in support of their respective positions on the discovery dispute and scheduled a hearing on July 25, 2018, for oral arguments on KIUC's motion to compel. KIUC notes that under the current procedural schedule supplemental data requests are due July 16, 2018. KIUC seeks clarification as to whether the July 16, 2018 deadline for supplemental discovery will also be held in abeyance until its request to compel discovery is decided by the Commission.

BREC filed a response, stating that it did not object to KIUC's request to hold the July 16, 2018 deadline for the supplemental discovery request in abeyance until the Commission rules upon KIUC's pending motion to compel. BREC does object to KIUC's alternate request for an additional opportunity to submit supplemental data requests,

arguing that the request is premature and that KIUC has already been granted a third round of discovery, which is due on September 10, 2018.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that the July 11, 2018 Order holds in abeyance KIUC's motions to compel discovery and to stay the procedural schedule.¹ The scope of the abeyance does not extend to the existing procedural schedule and the current scheduling deadlines remain in full force and effect, including the July 16, 2018 deadline for supplemental data requests. The July 11, 2018 Order schedules a hearing on July 25, 2018, to receive oral arguments on the discovery dispute. A decision will be rendered on KIUC's pending motions after the July 25, 2018 oral argument hearing and, if necessary, that order will amend the scheduling order accordingly.

IT IS THEREFORE ORDERED that KIUC's motion for clarification of the Commission's July 11, 2018 Order is granted to the extent as stated herein.

¹ KIUC's motion to schedule an informal conference in order to discuss amending the procedural schedule is now moot in light of the clarifying language set forth in this Order.

By the Commission

ENTERED
JUL 13 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00146

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