

**BOEHM, KURTZ & LOWRY**

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

**RECEIVED**

**MAR 13 2009**

**PUBLIC SERVICE  
COMMISSION**

**Via Overnight Mail**

March 12, 2009

Mr. Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

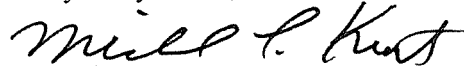
**Re: Case No. 2009-00040**

Dear Mr. Derouen:

Please find enclosed the original and twelve (12) copies of the PETITION TO INTERVENE of the KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. filed 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.

**BOEHM, KURTZ & LOWRY**

MLKkew

Attachment

cc: Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy, by electronic mail (when available) and first-class postage prepaid mail to all parties on the 12<sup>th</sup> day of March, 2009

Mark A Bailey  
President CEO  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024

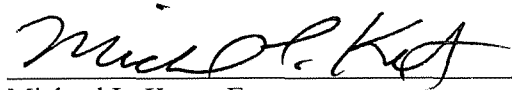
Douglas Bererford  
Hogan & Hartson, L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20004-1109

George F Hobday, Jr  
Hogan & Hartson, L.L.P.  
555 Thirteenth Street, N.W.

Washington, DC 20004-1109

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

David A Spainhoward  
Vice President  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024



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Michael L. Kurtz, Esq.

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

In The Matter Of: The Application Of Big Rivers Corporation to :  
Adjust Electric Rates : Case No. 2009-00040  
: :  
: :  
: :

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**PETITION TO INTERVENE OF  
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

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Pursuant to K.R.S. §278.310 and 807 KAR 5:001 Section 3(8), Kentucky Industrial Utility Customers, Inc. (“KIUC”) requests that it be granted full intervenor status in the above-captioned proceeding and states in support thereof as follows:

1. 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.
  
2. The members of KIUC who purchase electricity from Big Rivers Electric Corporation (“Big Rivers”) through Kenergy Corp. who will participate herein are: Aleris International, Inc., Domtar Paper Co., LLC and Kimberly Clark Corporation. KIUC will supplement its Petition with the names of additional participating members as this information becomes known.
  
3. All three of the KIUC member companies listed above are direct serve industrial customers who receive power at transmission voltage. The usage and load profile of each is different. However, all KIUC member companies have a similar interest in ensuring that the rates charged by Big Rivers to Kenergy for pass-through to retail consumers are just and reasonable.

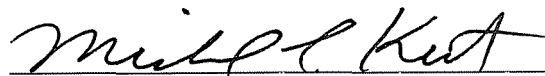
4. The matters being decided by the Commission in this case may have a significant impact on the rates paid by KIUC members for electricity. Electricity represents a significant cost of doing business for KIUC members. The attorneys for KIUC authorized to represent them in this proceeding and to take service of all documents are:

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 E. 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)

5. The position of KIUC cannot be adequately represented by any existing party. KIUC intends to play a constructive role in the Commission's decision making process herein and KIUC's participation will not unduly prejudice any party.

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

Respectfully submitted,



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Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: (513) 421-2255 Fax: (513) 421-2764  
E-Mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)

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

March 12, 2009