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**RECEIVED**

MAR 18 2009

PUBLIC SERVICE  
COMMISSION

**Via Overnight Mail**

March 17, 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 MOTION TO AMEND PROCEDURAL SCHEDULE 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 17<sup>th</sup> day of March, 2009

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

David A Spainhoward  
Vice President  
Big Rivers Electric Corporation  
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Attorney at Law  
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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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**MOTION TO AMEND PROCEDURAL SCHEDULE OF  
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

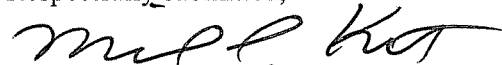
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On March 16, 2009, the Commission issued a procedural schedule for Big Rivers' request for interim rate relief. That schedule did not provide intervenors the opportunity to file testimony regarding the proposed April 1, 2009 21.6% rate increase. Nor did the procedural schedule allow for the filing of briefs by the parties. The failure to allow for intervenor testimony or briefs does not respect the due process of intervenors.

KIUC will not know whether it will file testimony until after we have had an adequate opportunity to review the responses to our discovery requests which were filed today. Nor will we know whether a brief will be necessary until after the hearing. But before being subjected to a 21.6% rate increase we should have the opportunity to do either or both.

Accordingly, KIUC respectfully requests that intervenor testimony (if any) be due no less than ten days after the answers to information requests are received; that briefs (if any) be submitted no less than seven days after the transcript is filed; and that the hearing be rescheduled to accommodate these changes.

Respectfully submitted,



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Michael L. Kurtz, Esq.

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

March 17, 2009