

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE)
APPLICATION OF THE FUEL)
ADJUSTMENT CLAUSE OF BIG)
RIVERS ELECTRIC CORPORATION) CASE NO. 2009-00510
FROM JULY 17, 2009 THROUGH)
OCTOBER 31, 2009)

O R D E R

Pursuant to 807 KAR 5:056, Section 1(11), IT IS HEREBY ORDERED that:

1. Big Rivers Electric Corporation ("Big Rivers") shall appear at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, on March 23, 2010 at 10:00 a.m., Eastern Daylight Time, to submit itself to examination on the application of its Fuel Adjustment Clause ("FAC") from July 17, 2009 through October 31, 2009. Neither opening statements nor summaries of pre-filed testimony will be permitted.

2. Big Rivers shall file with the Commission no later than March 23, 2010 proof of publication of its notice for the hearing.

3. a. The information requested in the Appendix to this Order is due within 21 days from the date of this Order. Responses to requests for information shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record and an original and six copies to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the

person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

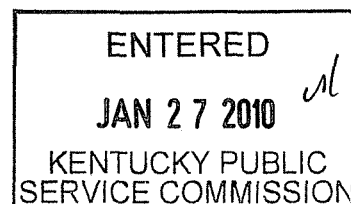
d. For any request to which a party refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

4. Any party who wishes to file testimony in this proceeding or to request information from Big Rivers may petition the Commission for a procedural schedule.

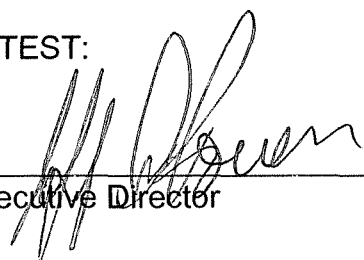
5. All documents that Big Rivers filed with the Commission pursuant to 807 KAR 5:056, Section 1(7) and (9), during the period under review are incorporated by reference into the record of this proceeding.

6. The official record of the proceeding shall be by video only, unless otherwise requested by a party to this proceeding.

By the Commission



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2009-00510 DATED JAN 27 2010

1. For the period from July 17, 2009 through October 31, 2009, list each vendor from whom coal was purchased and the quantities and the nature of each purchase (e.g., spot or contract).

2. For the period from July 17, 2009 through October 31, 2009, list each vendor from whom natural gas was purchased for generation and the quantities and nature of each purchase (e.g., spot or contract).

3. State whether Big Rivers engages in hedging activities for its natural gas purchases used for generation. If yes, describe the hedging activities in detail.

4. For each generating station or unit for which a separate coal pile is maintained, state, for the period from July 17, 2009 through October 31, 2009 the actual amount of coal burned in tons, the actual amount of coal deliveries in tons, the total kWh generated, and the actual capacity factor at which the plant operated.

5. List all firm power commitments for Big Rivers from July 17, 2009 through October 31, 2009 for (a) purchases and (b) sales. This list shall identify the electric utility, the amount of commitment in MW, and the purpose of the commitment (e.g., peaking, emergency).

6. Provide a monthly billing summary for sales to all electric utilities for the period July 17, 2009 through October 31, 2009.

7. List Big Rivers' scheduled, actual, and forced outages from July 17, 2009 through October 31, 2009.

8. List all existing fuel contracts categorized as long-term (i.e., more than one year in length). Provide the following information for each contract:

- a. Supplier's name and address.
- b. Name and location of production facility.
- c. Date contract was executed.
- d. Duration of contract.
- e. Date(s) of each contract revision, modification or amendment.
- f. Annual tonnage requirements.
- g. Actual annual tonnage received since the contract's inception.
- h. Percentage of annual requirements received during the contract's term.
- i. Base price in dollars per ton.
- j. Total amount of price escalations to date in dollars per ton.
- k. Current price paid for coal under the contract in dollars per ton (i + j).

9. a. State whether Big Rivers regularly compares the price of its coal purchases to those paid by other electric utilities.

- b. If yes, state:
 - (1) How Big Rivers' prices compare to those of other utilities for the review period; and
 - (2) The utilities that are included in this comparison and their locations.

10. State the percentage of Big Rivers' coal, as of the date of this Order, that is delivered by:

- a. Rail;
- b. Truck; or
- c. Barge.

11. a. State Big Rivers' coal inventory level in tons and in number of days' supply as of October 31, 2009. Provide this information by generating station and in the aggregate.

b. Describe the criteria used to determine number of days' supply.

c. Compare Big Rivers' coal inventory as of October 31, 2009 to its inventory target for that date.

d. If actual coal inventory exceeds inventory target by 10 days' supply, state the reasons for excessive inventory.

e. (1) State whether Big Rivers expects any significant changes in its current coal inventory target within the next 12 months.

(2) If yes, state the expected change and the reasons for this change.

12. a. Has Big Rivers audited any of its coal contracts during the period from July 17, 2009 through October 31, 2009?

b. If yes, for each audited contract:

(1) Identify the contract;

(2) Identify the auditor;

(3) State the results of the audit; and

(4) Describe the actions that Big Rivers took as a result of the audit.

13. a. State whether Big Rivers has received any customer complaints regarding its FAC during the period from July 17, 2009 through October 31, 2009.

b. If yes, for each complaint, state:

(1) The nature of the complaint; and

(2) Big Rivers' response.

14. a. State whether Big Rivers is currently involved in any litigation with its current or former coal suppliers.

b. If yes, for each litigation:

(1) Identify the coal supplier;

(2) Identify the coal contract involved;

(3) State the potential liability or recovery to Big Rivers;

(4) List the issues presented; and

(5) Provide a copy of the complaint or other legal pleading that initiated the litigation and any answers or counterclaims. If a copy has previously been filed with the Commission, provide the date on which it was filed and the case in which it was filed.

c. State the current status of all litigation with coal suppliers.

15. Provide a current copy of Big Rivers' written policies and procedures regarding its fuel procurement.

16. a. Is Big Rivers aware of any violations of its policies and procedures regarding fuel procurement that occurred during the period from July 17, 2009 through October 31, 2009?

b. If yes, for each violation:

(1) Describe the violation;

(2) Describe the action(s) that Big Rivers took upon discovering the violation; and

(3) Identify the person(s) who committed the violation.

17. Provide a copy of Big Rivers' organizational structure of the departments or divisions that are responsible for Big Rivers' fuel procurement activities.

18. a. Identify all changes that Big Rivers has made during the period under review to its maintenance and operation practices that also affect fuel usage at Big Rivers' generation facilities.

b. Describe the impact of these changes on Big Rivers' fuel usage.

19. List each written coal supply solicitation issued during the period from July 17, 2009 through October 31, 2009.

a. For each solicitation, provide the date of the solicitation, the type of solicitation (contract or spot), the quantities solicited, a general description of the quality of coal solicited, the time period over which deliveries were requested, and the generating unit(s) for which the coal was intended.

b. For each solicitation, state the number of vendors to whom the solicitation was sent, the number of vendors who responded, and the selected vendor. Provide the bid tabulation sheet or corresponding document that ranked the proposals.

(This document should identify all vendors who made offers.) State the reasons for each selection.

20. List each oral coal supply solicitation issued during the period from July 17, 2009 through October 31, 2009.

a. For each solicitation, state why the solicitation was not written, the date(s) of the solicitation, the quantities solicited, a general description of the quality of coal solicited, the time period over which deliveries were requested, and the generating unit(s) for which the coal was intended.

b. For each solicitation, identify all vendors solicited and the vendor selected. Provide the tabulation sheet or other document that ranks the proposals. (This document should identify all vendors who made offers.) State the reasons for each selection.

21. a. List all inter-system sales during the period under review in which Big Rivers used a third party's transmission system.

b. For each sale listed above:

(1) Describe how Big Rivers addressed, for FAC reporting purposes, the cost of fuel expended to cover any line losses incurred to transmit its power across the third party's transmission system.

(2) State the line loss factor used for each transaction and describe how that line loss factor was determined.

22. Provide the number of Big Rivers' coal purchase contracts which included transportation costs and those that did not during the period July 17, 2009 through October 31, 2009.

a. Explain how it is determined whether or not transportation costs will be included in the coal purchase contract.

b. When transportation is contracted for separately from the coal contract, does Big Rivers issue requests for proposals ("RFP") for this service?

(1) If yes, how often does this occur, how many vendors are included in the RFP, and how is it determined which vendors will receive the RFP?

(2) If no, explain why an RFP is not issued.

c. State whether Big Rivers uses or contracts with any related parties for transportation of its coal purchases. If yes, provide the name of the related party and nature of the relationship, the period of time it has contracted with the party, and copies of any contracts with the related party if not previously filed with the Commission.

23. On November 17, 2009, Big Rivers filed certain of its coal contracts with the Commission but stated in the cover letter that there were other contracts that had confidentiality provisions that must be resolved before filing the contracts. 807 KAR 5:056, Section 7, requires the filing of all contracts. The Commission has consistently ruled that similar coal contracts are not entitled to confidential treatment. Provide all coal contracts that were not previously provided, as required by the regulation.

Albert Yockey
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