

TENNESSEE:

CECIL D. BRANSTETTER, SR., 1920-2014
KARLA M. CAMPBELL*
BEN GASTEL*
TRICIA HERZFELD*
R. JAN JENNINGS*
JOE P. LENISKI, JR.
MIKE STEWART
JAMES C. STRANCH, III
J. GERARD STRANCH, IV
MICHAEL J. WALL

KENTUCKY:

DAVID SUETHOLZ*

THE FREEDOM CENTER
223 ROSA L. PARKS AVENUE, SUITE 200
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 254-8801
FACSIMILE (615) 255-5419
BSJFIRM.COM

515 PARK AVENUE
LOUISVILLE, KY 40208
TELEPHONE (502) 636.4333
FACSIMILE (502) 636.4342

3142 LOSANTIVILLE AVENUE, SUITE A
CINCINNATI, OH 45213
TELEPHONE (513) 381.2224
FACSIMILE (513) 381.2225

ASSOCIATES:

TENNESSEE:

CALLIE K. JENNINGS
SEAMUS T. KELLY
ISAAC MILLER*
ANTHONY A. ORLANDI*
K. GRACE STRANCH

KENTUCKY:

DEVON N. R. OSER*

OHIO:

ALYSON STEELE BERIDON*
ERIC "RICK" GILL
PAMELA M. NEWPORT

OF COUNSEL:

ROBERT E. RICHARDSON, JR.*

June 7, 2018

Via U.S. Overnight Mail

Ms. Gwen R. Pinson
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

RECEIVED

JUN 08 2018

PUBLIC SERVICE
COMMISSION

**Re: Case No. 2018-00146, Notice of Termination of Contracts and Application of
Big Rivers Electric Corporation for a Declaratory Order and for Authority to
Establish a Regulatory Asset,**

Dear Ms. Pinson:

Please accept the enclosed original and ten (10) copies of a Petition for Full Intervention on behalf of IBEW Local 1701. Thank you.

Sincerely,


Alyson Steele Beridon

COMMONWEALTH OF KENTUCKY

RECEIVED

BEFORE THE PUBLIC SERVICE COMMISSION

JUN 08 2018

In the Matter of:

PUBLIC SERVICE
COMMISSION

NOTICE OF TERMINATION OF)
CONTRACTS AND APPLICATION)
OF BIG RIVERS ELECTRIC CORPORATION)
FOR A DECLARATORY ORDER)
AND FOR AUTHORITY TO ESTABLISH)
A REGULATORY ASSET)

CASE NO: 2018-00146

PETITION FOR FULL INTERVENTION OF IBEW LOCAL 1701

Pursuant to K.R.S. §278.040(3) and §278.310 and 807 KAR 5:001 Section 4(11), the International Brotherhood of Electrical Workers (“IBEW Local 1701” or “the Union”) requests that it be granted full intervenor status in the above-captioned proceeding initiated by Big Rivers Electric Corporation (“Applicant” or “Big Rivers”). The Union states as follows:

Facts

1. IBEW Local 1701 is a labor organization representing 557 workers in the state of Kentucky.
2. IBEW Local 1701 is the bargaining agent for 250 employees at Big Rivers, 79 of whom work pursuant to Big Rivers’ contract with the City of Henderson.
3. The main office of IBEW Local 1701 is located at 2911 W. Parrish Avenue, Owensboro, KY 42301.
4. Members of the Union reside and work throughout Kentucky, including the service territory and regions impacted by this proceeding. The interest of the Union and its members in this matter is unique and different from the public interest.

5. The Applicant is asking the Commission to approve a transaction whereby it terminates a contract with the City of Henderson. Termination of the contract may lead to negative impacts on the members currently employed pursuant to it. As the exclusive agent, IBEW Local 1701 has a significant interest in the proceeding, and its members will be affected by any order entered by the Commission in this matter.
6. The attorneys for IBEW Local 1701 authorized to represent it in this proceeding and to take service of all documents are:

Alyson Steele Beridon
BRANSTETTER, STRANCH & JENNINGS, PLLC
3142 Losantiville Ave. STE A
Cincinnati OH 45213
Tel: (513) 381-2224
alysonb@bsjfirm.com

7. IBEW Local 1701 believes that it has a special interest in the proceeding not otherwise represented, and that its intervention is likely to present issues or to develop facts to assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Petition

807 KAR 5:001, Section 4(1)(b) requires this Commission to grant full intervenor status to a person if it finds either 1) that the person “has a special interest in the case that is not otherwise adequately represented” or 2) that “intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.” IBEW Local 1701 satisfies both conditions. It has a special and not otherwise adequately represented interest in this case. Its intervention is likely to present issues and develop facts that assist the Commission in fully considering Applicant’s request, and it will

not unduly complicate or disrupt the proceedings. Accordingly, the Union requests that the Commission grant it full intervenor status.

A. IBEW Local 1701 has a special interest in this case that is not otherwise adequately represented.

Intervenors in proceedings before this Commission must possess and express an interest in either the rates or services of a utility.¹ IBEW Local 1701 has a special interest in the services of Big Rivers. The Union represents 250 Big Rivers' employees, who provide the core of its service of generating, transmitting, and selling electric power. The Union, as a representative of these workers, is uniquely positioned to provide information to the Commission regarding the type and scope of work. This information would be of value to the Commission as it considers Big Rivers' assertions that the unit is "no longer capable of normal, continuous, reliable operation."² The Union's experience representing workers at the unit in question here makes it specially situated to provide a perspective as to whether the unit is in fact no longer capable to reliable operation.

B. IBEW Local 1701's intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter.

Currently, the only party to this case is the Applicant. While others have sought intervention the Commission has not yet ruled on those requests. The Applicant is, naturally, representing its own business interests. If the Commission grants the request of Kentucky Industrial Utility Customers, Inc., it will only be representing the interests of the largest electric and gas public utility customers in Kentucky. The City of Henderson will not intervene as an entity representing those who actually operate the plant. None of these parties have as their

¹ 807 KAR 5:001 Section 4(11)(a).

² Notice of Termination of Contracts and Application of Big Rivers Electric Corporation for a Declaratory Order and for Authority to Establish a Regulatory Asset, page 2 at 17-19.

primary purpose to provide operational information as well as to evaluate and provide input as to the effect of the termination on the workforce.

Enshrined in the Commission's mission is a commitment to the "provision of safe and reliable service." Implied here is a commitment to reliability not only for the consumer, but for the worker as well. Who better to assist the Commission in evaluating the impact of the course of action proposed by Big Rivers than an organization whose members actually perform the work, day in and day out?

The Union's interest in this matter cannot be fully served, and it cannot optimally assist the Commission, by mere comment. It must have full intervenor status to be able to make data requests and review any information filed confidentially.


C. IBEW Local 1701's intervention will not unduly complicate or disrupt the proceedings.

IBEW Local 1701 would represent a crucial interest in this proceeding, and will not unduly complicate or disrupt the proceedings. As this motion is timely filed, it does not seek to interfere with the Commission's scheduling order at this time, nor does it anticipate requesting changes to the schedule in the future.

Conclusion

Because its intervention would satisfy all the requirements described in 807 KAR 5:001 Section 4(11), IBEW Local 1701 requests that it be granted full intervenor status in the above-captioned proceeding.

Respectfully submitted,


Alyson Steele Beridon
BRANSTETTER, STRANCH & JENNINGS, PLLC
3142 Losantiville Ave. STE A
Cincinnati OH 45213
Tel: (513) 381-2224
alysonb@bsjfirm.com
Counsel for IBEW Local 1701

CERTIFICATE OF SERVICE

A copy of the foregoing Petition for Full Intervention has been served by electronic mail or United States Mail as indicated on the following persons this the 7th day of June, 2018:


Alyson Steele Beridon

By email to:

Laura Chambliss
Tyson Kamuf
Big Rivers Electric Corporation
201 Third St.
PO Box 727
Henderson, KY 42419-0024
Laura.chambliss@bigrivers.com
Tyson.kamuf@bigrivers.com
Counsel for Big Rivers Electric Corp.

James M. Miller
SULLIVAN MOUNTJOY, PSC
100 St. Ann St.
PO Box 727
Owensboro KY 42302-0727
jmiller@smlegal.com
Counsel for Big Rivers Electric Corp.

By U.S. Mail to:

Thomas J. Costakis
Norman T. Funk
KREIG DEVAULT LLP
One Indiana Square
Suite 2800
Indianapolis IN 46204
Counsel for Big Rivers Electric Corp.

Randall Redding
Sharon W. Farmer
KING, DEEP & BRANAMAN
127 North Main St.
Post Office Box 43
Henderson, KY 42419-0043
*Counsel for Henderson Utility Commission
dba Henderson Municipal Power and Light*

Dawn Kelsey
City Attorney, City of Henderson
222 First St.
Henderson KY 42420
Counsel for the City of Henderson