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RECEIVED

JAN 30 2020

PUBLIC SERVICE  
COMMISSION

**Via Overnight Mail**

January 29, 2020

Gwen R. Pinson, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

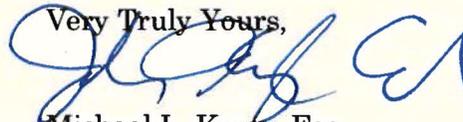
**Re: Case No. 2019-00269**

Dear Ms. Pinson:

Please find enclosed the original (unbound) and ten (10) copies of the REPLY OF BIG RIVERS ELECTRIC CORPORATION for filing 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.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

**BOEHM, KURTZ & LOWRY**

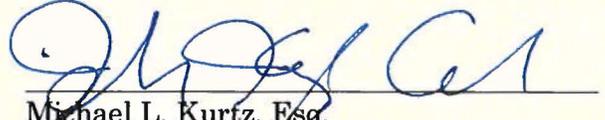
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Attachment

cc: Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by electronic mail and regular U.S. Mail (unless otherwise noted) this 29<sup>th</sup> day of January, 2020 to the following:



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(VIA OVERNIGHT MAIL)

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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JAN 30 2020

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

APPLICATION OF BIG RIVERS )  
ELECTRIC CORPORATION FOR ) Case No.  
ENFORCEMENT OF RATE AND ) 2019-00269  
SERVICE STANDARDS. )

REPLY OF BIG RIVERS ELECTRIC CORPORATION

Big Rivers Electric Corporation (“Big Rivers”) files this Reply to the Response and Objection filed by the City of Henderson, Kentucky and the Henderson Utility Commission d/b/a Henderson Municipal Power & Light (collectively, “Henderson”) on January 27, 2020 (“Response”). In its Response, Henderson argues that Big Rivers’ request to amend Exhibits Smith-1, Smith-4, and Smith-5 is premature since the Commission has not yet issued an order on the jurisdictional issue raised by Henderson in this proceeding.

While Big Rivers has no objection to the Commission delaying a ruling on its Motion to Amend Exhibits until after the Commission rules on the jurisdictional issue, Big Rivers would like to correct two misstatements contained in Henderson’s Response. First, Henderson mischaracterizes the issues before this Commission as “*duplicative*” of those presently before Kentucky courts. But the issues raised in Big Rivers’ Application directly relate to contractual “*rates*” and “*service standards*” that the Commission has exclusive jurisdiction to enforce under KRS 278.200. Indeed, the Franklin Circuit Court has stayed consideration of issues surrounding the Station Two Contracts in light of this proceeding.

Second, Henderson incorrectly describes the relief requested by Big Rivers as “*damages*.” As Big Rivers already explained in detail in its Response to Henderson’s Motion

to Dismiss, Big Rivers is not seeking monetary damages in this matter in a civil law sense. That ratemaking inherently involves money does not transform a Commission order making findings regarding the rates and service standards set forth in a utility contract into an assessment of the type of monetary damages available in a court.

WHEREFORE, Big Rivers respectfully requests that the Commission exercise jurisdiction over these matters and then permit Amended Exhibits Smith-1, Smith-4, and Smith-5 to be part of the record in this proceeding.

Respectfully submitted,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

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January 29, 2020

**COUNSEL FOR BIG RIVERS ELECTRIC  
CORPORATION**