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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

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

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CITY OF HENDERSON, KENTUCKY  
AND HENDERSON UTILITY COMMISSION, d/b/a  
HENDERSON MUNICIPAL POWER & LIGHT'S REPLY TO  
RESPONSE OF BIG RIVERS ELECTRIC CORPORATION  
TO PROPOSED PROCEDURAL SCHEDULE

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The City of Henderson, Kentucky, and the Henderson Utility Commission, d/b/a Henderson Municipal Power & Light (jointly "Henderson"), by counsel, and pursuant to 807 KAR 5:001, Section 5(3), state as follows in reply to the Response of Big Rivers Electric Corp. ("Big Rivers") to Henderson's proposed procedural schedule:

Big Rivers' response vastly overstates the urgency of a purported need to complete certain tasks associated with the closure of Station Two. Big Rivers' assertion that asbestos remediation must take place as soon as possible to mitigate safety and health hazards (Big Rivers' Response, p. 1) is directly contradicted by the Application testimony of Big Rivers President & CEO Bob Berry, who states: "[a]s long as the parties are staffing Station Two and remediating any asbestos that may come loose and become friable in accordance with the law, the facility can be maintained in a safe manner." (Direct Testimony of Robert W. Berry, Application Exhibit 2, p. 41). In fact, Henderson's understanding is that the approach described in Mr. Berry's testimony is precisely the approach Big Rivers has taken and continues to take with respect to its former Coleman power plant, which it shuttered in 2014. Big Rivers has not

called for immediate asbestos removal or plant demolition with respect to Coleman, and there is no statutory deadline for it to do otherwise. The same is true of Station Two.

A shortened procedural schedule likewise would not affect the parties' ability to timely complete the closure of the ash pond. Big Rivers acknowledges that work on this project has already begun, subject to reimbursement for Henderson's share of the cost, and Henderson has expressed a willingness to pay its share of those expenses. (Direct Testimony of Robert W. Berry, Application Exhibit 2, pp. 38-39). An expedited Commission ruling on the myriad other issues Big Rivers raises is unnecessary.

It is also important to note that, as the owner of the now-defunct plant, Big Rivers is free to proceed, free from Henderson interference, with asbestos remediation, equipment sales, and any other activity it deems appropriate with respect to Station Two. Again, an expedited ruling is unnecessary.

Given the number and complexity of the issues Big Rivers has presented for Commission review, Henderson maintains that its proposed schedule is the more realistic choice. This is especially true in view of the short staffing and logistical response concerns arising from recent restrictions imposed as a result of the coronavirus. Implementation of a realistic schedule now could prevent or at least mitigate the need to modify the schedule later due to expected continued disruptions and delays caused by the Covid-19 response.

**WHEREFORE**, Henderson respectfully requests that the Commission adopt the proposed schedule previously submitted.

Respectfully submitted,

/s/John N. Hughes (w/permission)  
Hon. John N. Hughes  
Attorney at Law

Professional Service Corporation  
124 West Todd Street  
Frankfort, Kentucky 40601  
Telephone: (502) 227-7270  
[jnhughes@johnnhughespsc.com](mailto:jnhughes@johnnhughespsc.com)

and

/s/Sharon W. Farmer  
Hon H. Randall Redding  
Hon. Sharon W. Farmer  
King, Deep & Branaman  
127 North Main Street, P.O. Box 43  
Henderson, Kentucky 42419-0043  
Telephone: (270) 827-1852  
[rredding@kdblawn.com](mailto:rredding@kdblawn.com)  
[sfarmer@kdblawn.com](mailto:sfarmer@kdblawn.com)

*Attorneys for Henderson Utility Commission, d/b/a  
Henderson Municipal Power & Light*

/s/Dawn Kelsey (w/permission)  
Hon. Dawn Kelsey  
City Attorney  
City of Henderson  
222 First Street  
Henderson, Kentucky 42420  
[dkelsey@cityofhendersonky.org](mailto:dkelsey@cityofhendersonky.org)  
*Attorney for City of Henderson*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing was forwarded this 19th day of March, 2020, via U.S. Mail, postage prepaid, or via facsimile, electronic mail, and/or hand delivery, to the following:

Tyson Kamuf  
Big Rivers Electric Corp.  
201 Third Street, P.O. Box 727  
Henderson, Kentucky 42419-0024  
[tyson.kamuf@bigrivers.com](mailto:tyson.kamuf@bigrivers.com)  
[laura.chambliss@bigrivers.com](mailto:laura.chambliss@bigrivers.com)

Michael L. Kurtz  
Kurt J. Boehm

Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

*Attorneys for Big Rivers Electric Corp.*

Clay Larkin  
Bingham Greenebaum Doll LLP  
3500 National City Tower  
101 South Fifth Street  
Louisville, Kentucky 40202  
*Attorney for Henderson Utility Commission  
d/b/a Henderson Municipal Power & Light*

Original to:

Kent Chandler  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard, P.O. Box 615  
Frankfort, Kentucky 40602-0615

/s/Sharon W. Farmer