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MAR 10 2020

PUBLIC SERVICE
COMMISSION

VIA OVERNIGHT MAIL

March 9, 2020

Kent Chandler, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: **Case No. 2019-00435**

Dear Mr. Chandler:

Please find enclosed the original (unbound) and ten (10) copies of the of the MOTION TO INTERVENE OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. 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(s) of file.

Very Truly Yours,



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, 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 electronic mail (when available) or by regular, U.S. mail, unless otherwise noted, this 9th day of March, 2020 the following:



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RECEIVED

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

MAR 10 2020

APPLICATION OF BIG RIVERS ELECTRIC CORPORATION :
FOR APPROVAL OF ITS 2020 ENVIRONMENTAL :
COMPLIANCE PLAN, AUTHORITY TO RECOVER COSTS :
THROUGH A REVISED ENVIRONMENTAL SURCHARGE AND : Case No. 2019-00435
TARIFF, THE ISSUANCE OF A CERTIFICATE OF PUBLIC :
CONVENIENCE AND NECESSITY FOR CERTAIN PROJECTS, :
AND APPROPRIATE ACCOUNTING AND OTHER RELIEF :

**MOTION TO INTERVENE OF
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

Pursuant to 807 KAR 5:001, Section 4(11), KRS 278.310, and KRS 278.040(2), Kentucky Industrial Utility Customers, Inc. ("KIUC") requests that it be granted full intervenor status in the above-captioned proceeding(s) and states in support thereof as follows:

1. 807 KAR 5:001, Section 4(11)(a)(1) requires that a person requesting leave to intervene as a party to a case before the Kentucky Public Service Commission ("Commission"), by timely motion, must state his or her interest in the case and how intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

2. 807 KAR 5:001, Section 4(11)(b) provides that the Commission shall grant a person leave to intervene if the Commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her 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.

3. KIUC is an association of the largest electric and gas public utility customers in Kentucky. The purpose of KIUC is to represent the industrial viewpoint on energy and utility issues before this Commission and before all other appropriate governmental bodies. The attorneys for KIUC authorized to represent them in this proceeding and to take service of all documents are:

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4. KIUC has filed a timely motion to intervene in this proceeding.

5. KIUC has a special interest in the above-captioned proceeding. The members of KIUC who are served by Big Rivers Electric Corporation (“Big Rivers”) through Kenergy Corp. and will participate herein include some of the utility’s biggest customers, specifically: Domtar Paper Co., LLC and Kimberly Clark Corporation.

6. The instant Environmental Surcharge Application contains provisions which are central to Big Rivers’ comprehensive Load Mitigation Plan following the loss of the load of the two aluminum smelters. This includes the very cost-effective proposal to replace the scrubber at Wilson with the much newer and more efficient scrubber at Coleman. These issues are also related to other pending matters to which KIUC has moved to intervene, including Big Rivers’ Application to Modify its MRSM Tariff.

7. KIUC’s special interest cannot be adequately represented by any existing party. While the Kentucky Attorney General’s Office of Rate Intervention is statutorily charged with representing the interests of “consumers” pursuant to KRS 367.150(8), that duty relates primarily to residential customers. In contrast, KIUC’s interest is exclusively related to large industrial customers, who take service on different rate schedules than residential customers. Moreover, because its membership consists of several large manufacturers in Kentucky, KIUC can provide a direct channel into the viewpoint of industrial customers on the issues at hand.

8. KIUC’s intends to play a constructive role in the Commission’s decision-making process.

9. KIUC’s intervention will not unduly complicate or disrupt the proceedings.

WHEREFORE, KIUC requests that it be granted full intervenor status in the above-captioned proceeding(s).

Respectfully submitted,



Michael L. Kurtz, Esq.

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**COUNSEL FOR KENTUCKY INDUSTRIAL UTILITY
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March 9, 2020