

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF BIG RIVERS	)	
ELECTRIC CORPORATION AND JACKSON	)	
PURCHASE ENERGY CORPORATION FOR	)	
APPROVAL AND CONFIDENTIAL TREATMENT	)	CASE NO.
OF A SPECIAL CONTRACT AND COST	)	2021-00282
ANALYSIS INFORMATION AND A REQUEST	)	
FOR DEVIATION FROM THE COMMISSION'S	)	
SEPTEMBER 24, 1990 IN ADMINISTRATIVE	)	
CASE NO. 327	)	

ORDER

On June 21, 2021, Big Rivers Electric Corporation (BREC) and Jackson Purchase Energy Corporation (Jackson Purchase) (collectively, Joint Applicants) submitted an Agreement for Electric Service (Agreement) with Blockware Mining, LLC (Blockware) and a letter agreement (Wholesale Agreement) between BREC and Jackson Purchase through the Commission's electronic Tariff Filing System.

Pursuant to KRS 278.180(1), no change in utility rates is permitted except upon 30 days' notice to the Commission. The terms of the Agreement provided that the Agreement became effective on April 12, 2021, but also postponed the effective date until, among other things, all necessary approvals are received. Because the Agreement was not filed with the Commission until June 21, 2021, the earliest possible effective date for the Agreement is July 21, 2021, which is 30 days after the filing date.

KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. Having reviewed

the proposed Agreement and Wholesale Agreement and being sufficiently advised, the Commission finds that an investigation will be necessary to determine the reasonableness of the proposed Agreement and Wholesale Agreement and that such an investigation cannot be completed by July 21, 2021. Pursuant to KRS 278.190, the Commission will, therefore, suspend the effective date of the proposed rates for five months, up to and including December 20, 2021.

As 807 KAR 5:001, Section 8, permits the Commission to direct the use of electronic filing procedures for proceedings that we initiate on our own motion, we find that electronic filing procedures should be used. As such, the Joint Applicants should follow the procedures set forth in 807 KAR 5:001, Section 8, when filing any document or paper in this matter. The Commission directs the Joint Applicants to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency.

The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed rates. The procedural schedule is attached hereto as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of the proposed Agreement and Wholesale Agreement.

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

2. The proposed Agreement and Wholesale Agreement are suspended for five months from July 21, 2021, up to and including December 20, 2021.

3. The Joint Applicants shall, by counsel, enter an appearance in this proceeding within seven days of the date of entry of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel.

4. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, the Joint Applicants shall file by electronic means a written statement that it waives any right to service of Commission orders by United States mail and that it or its authorized agents possesses the facilities to receive electronic submissions. The paper original shall be filed within 30 days of the ending of the current state of emergency caused by COVID-19.

6. Unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means; and

b. Within seven days of the date of entry of an Order of the Commission, granting intervention, file with the Commission a written statement that:

(1) It or its authorized agent possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

7. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001, Section 4(8).

8. The procedural schedule set forth in the Appendix to this Order shall be followed.

9. a. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The paper original shall be filed within 30 days of the ending of the current state of emergency caused by COVID-19.

b. Each response shall include the name of the witness responsible for responding to the questions related to the information provided and shall be answered under oath or, for representatives of a public or private corporation of a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or 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 fails or 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.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

10. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding which is not adequately represented in the case, or (2) that the person requesting permissive 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. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or

the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

11. The Joint Applicants shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of the hearing shall include the following statements: "This hearing will be streamed live and may be viewed on the PSC website, [psc.ky.gov](http://psc.ky.gov)"; and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, [psc.ky.gov](http://psc.ky.gov)." At the time publication is requested, the Joint Applicants shall forward a duplicate of the notice and request to the Commission.

12. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

13. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

14. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

15. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

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By the Commission

ENTERED  
JUL 19 2021 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2021-00282

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00282 DATED JUL 19 2021

Requests for intervention shall be filed no later than ..... 07/30/2021

Initial requests for information to Joint Applicants  
shall be filed no later than ..... 08/13/2021

Joint Applicants shall file responses to  
initial requests for information no later than.....08/27/2021

All supplemental requests for information to Joint Applicants  
shall be filed no later than ..... 09/10/2021

Joint Applicants shall file responses to supplemental requests  
for information no later than .....09/24/2021

Intervenor Testimony, if any, in verified prepared  
form shall be filed no later than..... 10/08/2021

All requests for information to Intervenors shall  
be filed no later than..... 10/22/2021

Intervenors shall file responses to requests for  
information no later than..... 11/05/2021

Joint Applicants or any Intervenor shall request either a  
hearing or that the case be submitted for decision  
based on the record no later than..... 11/12/2021

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