

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS)	
ELECTRIC CORPORATION FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO.
NECESSITY TO CONSTRUCT A 161 KV)	2022-00012
TRANSMISSION LINE IN HENDERSON)	
COUNTY, KENTUCKY)	

ORDER

On February 10, 2022, Big Rivers Electric Corporation (BREC), pursuant to KRS 278.020, 807 KAR 5:001, Sections 15 and 19, and 807 KAR 5:120, submitted an application for a Certificate of Public Convenience and Necessity (CPCN) to construct a 7.1-mile, 161-kilovolt transmission line in Henderson County, Kentucky, and for a finding that no CPCN is required for a related switching station and substation project or, alternatively, a CPCN for any of those projects the Commission determines require a CPCN. KRS 278.020(9) requires the Commission to issue a decision no later than 90 days after the application is filed unless the Commission extends this period, for good cause, to 120 days. Due to the nature of the case and the issues involved, the Commission finds that good cause exists in this matter to warrant such an extension to permit the Commission time to thoroughly review the application.

The Commission further finds that a procedural schedule should be established for the orderly processing of this matter. The procedural schedule is attached as an Appendix to this Order.

IT IS THEREFORE ORDERED that:

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

2. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission.

3. 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 that 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 a potential impact of possible modification

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene filed 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.

4. BREC shall give notice of any scheduled hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, 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 listing on the PSC website, psc.ky.gov." At the time publication is requested, BREC shall forward a duplicate of the notice and request to the Commission.

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

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

7. 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.

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

By the Commission

ENTERED
FEB 21 2022 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2022-00012

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00012 DATED FEB 21 2022

Last day for intervention requests to be accepted..... 03/02/2022

All initial requests for information to BREC
shall be filed no later than 03/07/2022

BREC shall file responses to initial requests for
information no later than..... 03/21/2022

All supplemental requests for information to BREC
shall be filed no later than 04/04/2022

BREC shall file responses to supplemental requests
for information no later than 04/18/2022

Intervenor testimony, if any, in verified prepared
form shall be filed no later than 04/22/2022

All requests for information to Intervenors shall
be filed no later than 05/06/2022

Intervenors shall file responses to requests for
information no later than..... 05/20/2022

BREC shall file, in verified form, its rebuttal
testimony no later than 05/31/2022

Public Hearing to be held in the Richard Raff Hearing Room at the offices of the Public
Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of
cross-examination of witnesses of BREC and
Intervenors..... To be scheduled

Post-Hearing Briefs, if any..... To be scheduled

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