

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS)	
ELECTRIC CORPORATION FOR ANNUAL)	CASE NO.
REVIEW OF ITS MRSM CHARGE FOR)	2026-00021
CALENDAR YEAR 2025)	

ORDER

On February 26, 2026, Big Rivers Electric Corporation (BREC) filed an application pursuant to the Commission’s Order in Case No. 2020-00064,¹ for review of its Member Rate Stability Mechanism (MRSM) Credit for calendar year 2025, as well as information pursuant to the final Order in 2019-00365,² 807 KAR 5:001, and other applicable laws. Prior to receiving the application in this matter, the Attorney General, by and through the Office of Rate Intervention (Attorney General), was granted intervention.³ BREC responded to one request for information.⁴ On June 15, 2026, the Attorney General provided notice that he was not requesting a hearing in this matter.⁵ On June 15, 2026,

¹ Case No. 2020-00064, *Electronic Application of Big Rivers Electric Corporation for Approval to Modify Its MRSM Tariff, Cease Deferring Depreciation Expenses, Establish Regulatory Assets, Amortize Regulatory Assets, and Other Appropriate Relief* (Ky. PSC June 25, 2020).

² Case No. 2019-00365, *Electronic Joint Application of Big Rivers Electric Corporation and Meade County Rural Electric Corporation and Meade County Rural Electric Cooperative Corporation for (1) Approval of Contracts for Electric Service with Nucor Corporation, and (2) Approval of Tariff* (Ky. PSC Aug. 17, 2020).

³ Order (Ky. PSC Feb. 3, 2026).

⁴ BREC’s Response to Commission Staff’s First Request for Information (Staff’s First Request) (filed Apr. 10, 2026).

⁵ Attorney General’s Notice Regarding Hearing (filed June 15, 2026).

BREC also requested a decision on the record.⁶ The matter now stands submitted for a decision on the record.

LEGAL STANDARD

In accordance with KRS 278.030, the standard applied to this matter is whether the rates are fair, just and reasonable.⁷

BACKGROUND

In Case No. 2019-00365,⁸ BREC and Meade County Rural Electric Cooperative Corporation (Meade RECC) submitted a joint application seeking approval for the retail contract for electric service between Meade RECC and Nucor Corporation (Nucor), a related Wholesale Agreement between BREC and Meade RECC, and establishment of a modified version of the Large Industrial Customer Expansion (LICX) tariff. In approving the application, the Commission directed BREC to file, with the annual Case No. 2020-00064⁹ filing, information detailing the financial impacts of the Nucor retail service agreement and the impact the Nucor load has had on BREC's credit ratings.¹⁰

BREC filed an application with the primary purpose of restoring BREC's investment grade credit ratings by amending its MRSM Tariff, beginning the amortization of the smelter loss mitigation regulatory assets (SLM Regulatory Assets), and receiving approval to take additional steps to mitigate the loss of 850 MW aluminum smelter load

⁶ BREC's Request for Decision (filed June 15, 2026).

⁷ KRS 278.030; *Pub. Serv. Comm'n v. Com. Ex rel. Conway*, 324 S.W.3d 373, 377 (Ky. 2010).

⁸ Case No. 2019-00365, Aug. 17, 2020 Order.

⁹ Case No. 2020-00064, June 25, 2020 final Order.

¹⁰ Case No. 2019-00365, Aug. 17, 2020 Order at 12, ordering paragraph 6.

that left BREC's system in 2013-2014.¹¹ In that proceeding, BREC, Kentucky Industrial Utility Customers, Inc. (KIUC), and the Attorney General filed a unanimous Settlement Agreement, Stipulation, and Recommendation (Settlement Agreement), wherein BREC would provide an annual report starting in 2021 and no later than February 28th of each subsequent calendar year that includes the following identified matters:

- Year-end Times Interest Earned Ratio (TIER) calculation for the prior calendar year;
- The amount of the new TIER credit that will flow through the MRSM Rider during the following 12 months;
- The amount charged to depreciation and amortization expense for recovery of the SLM Regulatory Assets in the prior calendar year that will reduce the SLM Regulatory Assets balance;
- Status of the amortization of the SLM Regulatory Assets;
- Interest savings gained (annualized) once investment grade ratings are received from at least two of the three rating agencies;
- Status of and expected decommissioning costs of Coleman Station, Reid Station Unit 1, and BREC's estimated share of costs associated with Henderson Municipal Power & Light's (HMP&L) Station Two (Station Two); and
- Copy of any proposal to decommission Coleman Station, Reid Station Unit 1, and Station Two that was awarded in the prior year.¹²

The final Order in Case No. 2020-00064, issued June 25, 2020, directed BREC to establish a regulatory liability with a \$9.0 million minimum balance as a fund to use to reduce the SLM Regulatory Assets or in case a 1.30 TIER was not met.¹³ The final Order

¹¹ Case No. 2020-00064, *Electronic Application of Big Rivers Electric Corporation for Approval to Modify its MRSM Tariff, Cease Deferring Depreciation Expenses, Establish Regulatory Assets, and Other Appropriate Relief.*

¹² Case No. 2020-00064, June 25, 2020 Order at 16.

¹³ Case No. 2020-00064, June 25, 2020 Order at 18.

also approved portions of the Settlement Agreement, with modifications and deletions, and clarified that BREC must submit a formal, docketed annual application to revise its MRSM rates. The MRSM rates application is required to include all information stipulated in both the Settlement Agreement and the Commission's Order.¹⁴

BREC's initial filing in response to these directives was submitted in Case No. 2021-00061.¹⁵ The Commission authorized BREC to use \$11.0 million of the TIER Credit Regulatory Liability to reduce the SLM Regulatory Assets and to amortize \$289,407 in expenses incurred in Case No. 2019-00435¹⁶ over three years, to be recovered through the environmental surcharge mechanism.¹⁷ BREC was further ordered to continue filing its MRSM rate adjustment application annually by February 28, including the required information from Case No. 2019-00365.¹⁸

¹⁴ Case No. 2020-00064, June 25, 2020 final Order at 21. The Order also required BREC to submit two cost of service studies (COSS) based upon National Association of Regulatory Utility Commissioners (NARUC) approved methods which was filed in Case No. 2021-00061.

¹⁵ Case No. 2021-00061, *Electronic Application of Big Rivers Electric Corporation for Annual Report on MRSM Credit* (Ky. PSC June 9, 2021), final Order.

¹⁶ Case No. 2019-00435, *Electronic Application of Big Rivers Electric Corporation for Approval of its 2020 Environmental Compliance Plan, Authority to Recover Costs Through a Revised Environmental Surcharge and Tariff, The Issuance of a Certificate of Public Convenience and Necessity for Certain Projects, and Appropriate Accounting and Other Relief* (Ky. PSC Aug. 6, 2020).

¹⁷ Case No. 2021-00061, June 9, 2021 Order at 12.

¹⁸ Case No. 2021-00061 June 9, 2021 Order at 12.

In Case No. 2022-00028,¹⁹ filed in compliance with the final Order in Case No. 2020-00064,²⁰ the Commission authorized BREC to use an additional \$26.7 million of the TIER Credit Regulatory Liability to further reduce the SLM Regulatory Assets.²¹

In Case No. 2023-00038,²² the Commission approved a \$2.3 million increase to its minimum regulatory liability balance to establish.²³

In Case No. 2024-00031,²⁴ the Commission determined that revising the minimum regulatory liability balance from \$11.3 million to \$12.4 million was reasonable.²⁵

In Case No. 2025-00021,²⁶ the Commission approved BREC's proposal to recalculate the amortization expense for its SLM Regulatory Assets, including the Green Station Regulatory Asset, using balances as of December 31, 2024, and to continue this methodology in future years.²⁷

In the current case, BREC did not propose any further changes to the minimum balance.

¹⁹ Case No. 2022-00028, *Electronic Application of Big Rivers Electric Corporation for Annual Review of Its MRS M Charge for Calendar Year 2021* (Ky. PSC July 6, 2022).

²⁰ Case No. 2020-00064 (Ky. PSC June 25, 2020).

²¹ Case No. 2022-00028, *Electronic Application of Big Rivers Electric Corporation for Annual Review of Its MRS M Charge for Calendar Year 2021* (Ky. PSC July 6, 2022), Order at 11.

²² Case No. 2023-00038, *Electronic Application of Big Rivers Electric Corporation for Annual Review of Its MRS M Charge for Calendar Year 2022* (Ky. PSC Oct. 3 2023), final Order.

²³ Case No. 2023-00038, Oct. 3, 2023 final Order at 8.

²⁴ Case No. 2024-00031, *Electronic Application of Big Rivers Electric Corporation for Annual Review of Its MRS M Charge for Calendar Year 2023* (Ky. PSC Dec. 6, 2024).

²⁵ Case No. 2024-00031, Dec. 6, 2024 Order.

²⁶ Case No. 2025-00021, *Electronic Application of Big Rivers Electric Corporation for Annual Review of Its MRS M Charge for Calendar Year 2024* (Ky. PSC Sept. 3, 2025), Order.

²⁷ Case No. 2025-00021, Sept. 3, 2025 Order at 12.

APPLICATION

The current application was filed to maintain compliance with the final Orders in Case Nos. 2020-00064²⁸ and 2022-00028²⁹. It includes documentation and information related to the Settlement Agreement, BREC's current member equity balance and the minimum required by its loan covenants, the reasonableness of any 2022 decommissioning costs, and a detailed account of actions taken by BREC to minimize those costs.

Case No. 2020-00064 Disclosures

In response to the final Order in Case No. 2020-00064,³⁰ BREC filed responses to the identified matters as follows:

Year-end TIER Calculation: The 2025 pre-TIER Credit net margins are \$20.0 million, which equates to a TIER of 1.51.³¹ In accordance with Case No. 2020-00064,³² BREC recorded a TIER Credit of \$8.3 million, resulting in reported net margins of \$11.7 million, which equates to the targeted approved TIER of 1.30.³³ Further, in accordance with Case No. 2020-00064,³⁴ 60 percent, or \$5.0 million, of the TIER Credit

²⁸ Case No. 2020-00064, June 25, 2020 final Order.

²⁹ Case No. 2022-00028, July 6, 2022 Order.

³⁰ Case No. 2020-00064, June 25, 2020 final Order.

³¹ Application, Direct Testimony of Talina R. Mathews (Mathews Direct Testimony), Exhibit B at 6.

(Interest Charges on Secured Obligations + Actual Net Margin) / Interest Charges on Secured Obligations = $(\$39,115,920.50 + \$20,012,931.24) / \$39,115,920.50 = 1.51$.

³² Case No. 2020-00064, June 25, 2020 final Order.

³³ Mathews Direct Testimony, Exhibit B at 6.

(Interest Charges on Secured Obligations + Net Margin for a 1.30 TIER) / Interest Charges on Secured Obligations = $(\$39,115,920.50 + \$11,734,776.15) / \$39,115,920.50 = 1.30$

³⁴ Case No. 2020-00064, June 25, 2020 final Order.

will be recorded as a regulatory liability to reduce the SLM Regulatory Assets,³⁵ and 40 percent, or \$ 3.3 million will flow through the MRSM Rider in 2026.³⁶

New TIER Credit: Of the \$3.3 million flowing through the MRSM Rider, the first \$0.7 million will be directly assigned to the Rural customer class.³⁷ The remaining \$2.6 million will be allocated between Rural and Large Industrial customer classes based on their respective 2025 revenues. As a result, the Rural customer class will receive a total of \$2.6 million in credits, and the Large Industrial customer class will receive \$0.7 million. These bill credits will be applied monthly throughout 2026, with Rural customers receiving \$0.22 million per month and Large Industrial customers receiving \$0.06 million per month.³⁸

Depreciation and Amortization Expenses for the SLM Regulatory Assets: In the current proceeding, BREC maintained consistency by utilizing the same methodology approved in the previous MRSM case, Case No. 2025-00021.³⁹ Under this approach, rather than using a fixed historical baseline, BREC continues to recalculate the amortization expenses for its SLM Regulatory Assets based on the actual year-end balances from the preceding year to structurally lower expenses and optimize member rates. Based on the 2025 New TIER Credit calculation, \$5.0 million was charged to

³⁵ Mathews Direct Testimony, Exhibit B at 6.

³⁶ Mathews Direct Testimony, Exhibit B at 6.

³⁷ BREC's Response to Staff's First Request, Item 5. See *also* Case No. 2020-00064, June 25, 2020 Order at 23.

³⁸ Mathews Direct Testimony, Exhibit Mathews-3, page 1.

³⁹ Case No. 2025-00021, Sept. 3 2025 Order.

depreciation and amortization expenses for the recovery of the SLM Regulatory Assets.⁴⁰ This amount is currently recorded as a regulatory liability, in accordance with Case No. 2020-00064.⁴¹ At the end of 2025, the regulatory liability account held a carry-over balance of \$17.4 million. Since this balance meets the required minimum, BREC proposed to use the excess amount of \$5.0 million to further reduce the SLM Regulatory Assets in 2026.⁴² BREC stated that it expects to have fully amortize[d] the SLM Regulatory Assets in approximately ten years, assuming the Commission authorize[s] BREC to utilize the amounts in the regulatory liability over the \$9.0 million required minimum to reduce the regulatory assets.⁴³

Status of Amortization of SLM Regulatory Assets: BREC began amortizing the SLM Regulatory Assets in January 2021. In 2025, the SLM Regulatory Assets were reduced by \$9.9 million through amortization and by an additional \$4.2 million through the application of excess 2024 TIER Credit Regulatory Liability. The Green Station Regulatory Asset, also established in 2021, had a balance of \$81.5 million as of December 31, 2025, with \$4.3 million amortized during the year. The total balance of the SLM Regulatory Assets was approximately \$187.9 million at the beginning of 2025 and approximately \$181.4 million at year-end, excluding the \$17.4 million regulatory liability.⁴⁴

⁴⁰ Case No. 2020-00064, June 25, 2020 final Order.

⁴¹ Case No. 2020-00064, June 25, 2020 final Order.

⁴² Application at 10.

⁴³ Mathews Direct Testimony, at 9.

⁴⁴ Mathews Direct Testimony, Exhibit B at 7–9.

TIER Credit Regulatory Assets Amortization Ending Balance (2025)	
	Million
SII Plant & Decomm. - Reg. Asset (18236500)	\$ 37.649
Coleman-Plant & Decomm. - Reg. Asset (18237100)	143.775
Sub-Total	\$ 181.424
Green-Coal Retirement/Gas Conv. - Reg. Asset (18236100)	\$ 81.504
Total	\$ 262.928

Equity Balance and Credit Rating Status:

As of December 31, 2025, BREC's equity balance was \$511 million, and the minimum required by its loan covenants was \$390 million.⁴⁵ BREC received credit rating upgrades from S&P Global Ratings (S&P) to BBB in July 2022, Fitch Ratings to BBB in August 2022, and Moody's Investors Service to Baa2 in October 2022.⁴⁶ In 2025, all ratings remained constant.⁴⁷ BREC also provided updated documentation supporting its credit ratings.⁴⁸ The ratings themselves remain unchanged from those previously provided; however, the supporting reports reflect more recent issuance dates. Specifically, S&P Global Ratings reaffirmed BREC's BBB rating in November 2024, Fitch Ratings reaffirmed its BBB rating in June 2025, and Moody's Investors Service reaffirmed its Baa2 rating in February 2026.⁴⁹ BREC also remains in Pricing Level III on the National Rural Utilities Cooperative Finance Corporation Revolving Credit Facility.⁵⁰ There are five

⁴⁵ Mathews Direct Testimony, Exhibit B at 10.

⁴⁶ Mathews Direct Testimony at 9-10.

⁴⁷ Mathews Direct Testimony at 12.

⁴⁸ BREC's Response to Staff's First Request, Item 3, Attachments.

⁴⁹ BREC's Response to Staff's First Request, Item 3, Attachments.

⁵⁰ BREC's Response to Staff's First Request, Item 3, Attachments.

Pricing Levels and Pricing Level III corresponds to a S&P BBB rating, a Moody's Baa2 rating, and a Fitch BBB rating. Pricing Level III represents a more favorable pricing tier under BREC's \$150 million revolving credit facility. Previously, when the cooperative's financial condition was weaker, it was assigned to Pricing Level V, which carried higher interest margins and transaction fees. Following the achievement of investment-grade credit ratings from S&P, Fitch, and Moody's, BREC advanced to Pricing Level III under the facility's pricing grid. This improvement reflects the lenders' increased confidence in the cooperative's creditworthiness and results in lower borrowing costs and fees, generating approximately \$225,000 in annual savings for the cooperative and its members.⁵¹

Status of Decommissioning

Coleman Station: BREC stated that the demolition of Coleman Station was completed in December 2025.⁵² The decommissioning costs for the Coleman Station in 2025 total \$487,926.47.⁵³ BREC noted that there are ongoing decommissioning expenses to be incurred for items such as: security, mowing, wildlife control, and insect inspection.⁵⁴

Coleman Station Coal Combustion Residual (CCR): The U.S. Environmental Protection Agency (EPA) published the final CCR Legacy Rule in the Federal Register on May 8, 2024. Under this rule, BREC averred that it is required to initiate closure of the

⁵¹ Mathews Direct Testimony, Exhibit Mathews-5 at 2, 2025 Interest Savings.

⁵² Direct Testimony of Manny Zeringue (Zeringue Direct Testimony) at 4.

⁵³ Zeringue Direct Testimony at 4.

⁵⁴ Zeringue Direct Testimony at 4.

Coleman Station legacy ash ponds no later than May 8, 2028, and complete the closure within five years of initiation, but in no circumstances later than May 8, 2033.⁵⁵ According to the testimony, the capital cost for closing the legacy ponds is estimated at \$48.72 million, excluding capitalized interest. This closure project is identified as Project 13-2 in BREC's 2020 Environmental Compliance Plan (ECP).⁵⁶ The Commission granted a Certificate of Public Convenience and Necessity (CPCN) for Project 13-2 on August 6, 2020, contingent upon the inclusion of the legacy ponds under either the federal CCR Rule or applicable Kentucky Administrative Regulations for special waste facilities.⁵⁷

Reid Station 1: BREC stated that the remaining demolition projects for Reid Station Unit 1 consist of the removal of concrete from the basement and turbine pedestals, backfilling dirt, and seeding the area, and are expected to be completed by December 2026.⁵⁸ In 2025, BREC incurred \$50,944.01 in decommissioning costs related to Reid Station Unit 1.⁵⁹

Reid Station 2: BREC stated that the closure of the Station Two ash pond was successfully completed on September 11, 2024, following a final inspection by the Kentucky Division of Waste Management, which subsequently issued an official closure acceptance letter on October 29, 2024. BREC stated that the remaining demolition activities for Station Two consist of removal of the concrete in the basement and turbine

⁵⁵ Direct Testimony of Mark W. Bertram (Bertram Direct Testimony) at 4.

⁵⁶ Case No. 2019-00435, Aug. 6, 2020 Order.

⁵⁷ Case No. 2019-00435, Aug. 6, 2020 Order at 26.

⁵⁸ Zeringue Direct Testimony at 5.

⁵⁹ Zeringue Direct Testimony at 5.

pedestals, backfilling with dirt, and seeding the area.⁶⁰ This is expected to be completed by December 2026.⁶¹ The site has since transitioned into post-closure care and undergoes required semi-annual groundwater assessment monitoring. While monitoring well MW-10 continues to reflect lithium concentrations above established Groundwater Protection Standards (GWPS), BREC has already executed its primary corrective remedy by completely removing all ash from the former pond area. Groundwater tracking will remain active at the location until all applicable GWPS criteria are fully satisfied.⁶²

BREC anticipates its share of decommissioning costs will include work related to the Station Two site, the ash pond, dredgings placed in the Green Station landfill, and other joint-use facilities, either currently or when no longer in use. BREC noted future responsibilities will also include environmental monitoring, any necessary remediation, and ultimate landfill closure. BREC stated it continues to maintain the Station Two site in accordance with prudent utility practices and will incur additional future costs associated with joint-use facility decommissioning and Henderson's continued use of the Green Station landfill, which holds the Station Two ash pond dredgings.⁶³

Case No. 2019-00365 update: In 2023, Nucor completed construction of its new facility in Brandenburg, Kentucky, and subsequently began operations, taking electric service under the terms of the Nucor Contracts. According to the application, the addition

⁶⁰ Zeringue Direct Testimony at 5.

⁶¹ Zeringue Direct Testimony at 5.

⁶² Bertram Direct Testimony at 5-6.

⁶³ Zeringue Direct Testimony at 6–8.

of the Nucor load has had a positive effect on BREC's credit ratings, strengthening its financial position and contributing to long-term system stability.⁶⁴

Additionally, according to BREC, in Case No. 2024-00141, because Nucor sales are excluded from the calculation of the MRSM, the MRSM credit has been higher for BREC's retail customers, and the regulatory asset balance is lower than either otherwise would have been.⁶⁵

DISCUSSION AND FINDINGS

Having considered the record and being otherwise sufficiently advised, the Commission finds that BREC's MRSM credit application is reasonable and approves the revised TIER Credit of \$8.3 million. Furthermore, the Commission finds it is reasonable to continue the practice of requiring BREC to file its annual MRSM credit application. This process allows for discovery and provides an opportunity to evaluate and adjust the mechanism as needed. The Commission notes that the current TIER Credit mechanism has been effective, as evidenced by improvements in BREC's credit ratings from all three major credit rating agencies and the significant reduction in the balance of SLM Regulatory Assets. Furthermore, the Commission finds that applying the \$5.0 million current regulatory balance above the TIER Credit Regulatory Liability minimum balance should be approved because it further supports the reduction of the SLM Regulatory Assets. The total balance of the SLM Regulatory Assets was reduced from \$187.9 million

⁶⁴ Application at 9.

⁶⁵ Case No. 2024-00141, *An Electronic Examination of the Application of the Fuel Adjustment Clause of Big Rivers Electric Corporation from November 1, 2022, Through April 30, 2023*, (Ky. PSC May 29, 2026), Order at 6.

at the beginning of 2025 to \$181.4 million at year end, excluding a \$17.4 million regulatory liability.

The Commission further finds that the methodology BREC's utilized to recalculate the amortization expense for its SLM Regulatory Assets, including the Green Station Regulatory Asset, using balances as of December 31, 2025 consistent with the 2025 MRSM order is reasonable. The Commission finds that continuing this methodology in future years is appropriate, as it is expected to positively impact BREC's net margins and may result in lower effective rates for BREC's member cooperatives.

Regarding BREC's decommissioning activities, the Commission finds them to be proactive, and the costs associated with them to be reasonable. The Commission urges BREC to continue competitive bidding for the decommissioning activities, to continue searching for the least cost alternatives, consider the reuse of assets, and to continue ensuring that the decommissioning process includes only reasonable measures necessary and appropriate for continued environmental compliance and appropriate reuse of the site.

Finally, the Commission finds that BREC's application meets the applicable legal standards and based on the evidence and criteria associated with the New TIER calculation, the resulting rates are fair, just and reasonable.

IT IS THEREFORE ORDERED that:

1. BREC's application and revised TIER credit of \$8.3 million are approved.
2. BREC's request to apply the \$5.0 million current regulatory balance above the TIER Credit Regulatory Liability minimum balance is approved.

3. The Commission finds that BREC's methodology to recalculate the amortization expense for its SLM Regulatory Assets, including the Green Station Regulatory Asset, using balances as of December 31, 2025, and to continue this methodology in future years is approved.

4. The revised TIER Credit mechanism is approved. BREC shall continue to file an annual application to allow for discovery and potential modifications to the TIER Credit mechanism, as necessary. The existing filing process shall remain in place.

5. BREC shall continue to file annually, by February 28th of each year, an application to adjust its MRSM rates pursuant to ordering paragraph 10 of the June 25, 2020 Order in Case No. 2020-00064.⁶⁶ The filing shall contain the information set forth in the June 25, 2020 Order in Case No. 2020-00064,⁶⁷ and ordering paragraph 6 of the August 17, 2020 Order in Case No. 2019-00365.⁶⁸

6. This case is closed and removed from the Commission's docket.

⁶⁶ Case No. 2020-00064, June 25, 2020 final Order.

⁶⁷ Case No. 2020-00064, June 25, 2020 final Order.

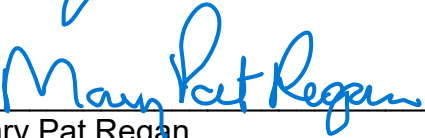
⁶⁸ Case No. 2019-00365, Aug. 17, 2020 Order.

Entered on this 8th day of July, 2026.

PUBLIC SERVICE COMMISSION




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Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

*by AH
w/ permission*

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