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Case Management System - KY Public Service Commission*Regular Cases Before the Commission as of August 14, 2022***2018-00146**

RECEIVED: 05/01/18

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FINAL: 10/23/18

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SUSPENSION DATE:

CASE CODE

Contracts
Accounting Deferral
Declaratory Order

UTILITIES:

Big Rivers Electric Corporation

HEARINGS:

10/02/18 Formal Conference
07/25/18 Formal Hearing

INDEX OF EVENTS:

- 09/17/19 Order Entered: 1. BREC's petitions for confidential protection for certain information contained in BREC's Notice and Application, and the Exhibits thereto, as described herein, are granted. 2. The designated information contained in BREC's Notice and Application, and the Exhibits thereto, as described herein, shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission. 3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 4. BREC shall inform the Commission if the materials in question become publicly available or no longer qualifies for confidential treatment. 5. If a non-party to this proceeding requests to inspect the materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, BREC shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If BREC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
- 01/15/19 Order Entered: 1. BREC's petition for confidential protection for certain information contained in the Berry Supplemental Testimony, as described herein, is granted. 2. The designated information contained in the Berry Supplemental Testimony shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission. 3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001 , Section 13(9). 4. BREC shall inform the Commission if the materials in question become publicly available or no longer qualifies for confidential treatment. 5. If a non-party to this proceeding requests to inspect the materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, BREC shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If BREC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. 6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.
- 01/14/19 Order Entered: 1. BREC's petition for confidential protection for certain information contained in its responses to Staff's Supplemental Request, Item 5, KIUC's Supplemental Request, Item 16, and the attachments to BREC's responses to KIUC's Supplemental Request, Items 7 and 10, as described herein, are granted. 2. The designated information contained in BREC's responses to Staff's Supplemental Request, Item 5 and KIUC's Supplemental Request, Item 16 as well as the attachment to BREC's response to KIUC's Supplemental Request, Item 10, shall not be placed in the public record or made available for public inspection for five years from July 26, 2018, or until further Order of this Commission. 3. The designated information contained in the attachment to BREC's response to KIUC's Supplemental Request, Item 7 (referred to in the Order as the HMPL Exit Analysis), shall not be placed in the public record or made available for public inspection for five years from July 6, 2018, or until further Order of this Commission. 4. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 5. BREC shall

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- inform the Commission if the materials in question become publicly available or no longer qualifies for confidential treatment.
- 01/11/19 Order Entered: 1. BREC's petition for confidential protection for certain information contained in its responses to Staff's Initial Request, Items 3, 9, and 17; Attorney General's Initial Request, Item 1; and KIUC's Initial Request, Items 4, 5, 6, and 9, and as described herein, are granted. 2. The designated information contained in BREC's responses to Staff's Initial Request, Items 3, 9, and 17; Attorney General's Initial Request, Item 1; and KIUC's Initial Request, Items 4, 5, 6, and 9 shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission. 3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 4. BREC shall inform the Commission if the materials in question become publicly available or no longer qualifies for confidential treatment. 5. If a non-party to this proceeding requests to inspect the materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, BREC shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If BREC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
- 10/30/18 POST CASE: Big Rivers Electric Corporation Response to Commission Order
- 10/23/18 Final Order Entered: 1. BREC's motion for leave to file the Settlement Agreement and supporting testimony is granted. 2. The Settlement Agreement is approved. 3. BREC's request for authority to establish, for accounting purposes, the Station Two Regulatory Asset is approved. 4. BREC's proposed revisions to the MRSM tariff are approved. 5. Within 20 days of the date of entry of this Order, BREC shall file with the Commission, using the Commission's electronic Tariff Filing System, new tariff sheets setting forth the modifications approved herein and reflecting their effective date and that they were authorized by this Order. 5. The case is hereby closed and removed from the Commission's docket.
- 10/22/18 Big Rivers Electric Corporation Motion for Leave to (i) File Settlement Agreement, Stipulation, and Recommendation, and (ii) Supporting Testimony
- 10/16/18 Notice of Filing Conference Documents
- 10/09/18 Notice of Filing Hearing Documents
- 10/05/18 Big Rivers Electric Corporation Errata Filing
- 09/26/18 Big Rivers Electric Corporation Motion for Leave to File Settlement Agreement, Stipulation, and Recommendations and Supporting Testimony with Petition for Confidential Treatment
- 09/24/18 Order Entered: 1. BREC's motion to continue to hold the remaining procedural deadlines in this matter in abeyance is granted. 2. BREC shall file the formal settlement agreement as soon as it has been finalized and executed by the parties and prior to the October 2, 2018 status conference.
- 09/14/18 Big Rivers Electric Corporation Motion to Continue to Hold Remaining Procedural Deadlines in Abeyance
- 08/29/18 Order Entered: 1. BREC's request for a declaration finding that Station Two is no longer economically viable and confirming the termination of the Station Two Contracts, except for the Joint Facilities Agreement, is granted. 2. BREC's request to continue operation of Station Two under the terms of the Station Two Contracts for a period up to May 31, 2019, unless BREC and the city of Henderson reach a mutually acceptable agreement regarding the ongoing operation of Station Two prior to May 31, 2019, or the Commission directs BREC to cease operation of Station Two prior to May 31, 2019, is granted. 3. The Commission will reserve ruling on BREC's request for authorization to establish a regulatory asset until a later date.
- 08/17/18 Order Entered: 1. BREC's motion to hold the matter in abeyance and for a status conference is granted. 2. The matter shall be held in abeyance for a period of 30 days from the date of this Order. 3. A formal status conference shall be held on Tuesday, October 2, 2018, at 1:00 p.m. Eastern Daylight Time in Hearing Room 1 of the Commission's offices, 211 Sower Boulevard, Frankfort, Kentucky.
- 08/16/18 Big Rivers Electric Corporation Response to KIUC, Inc. pursuant to Order
- 08/13/18 Order Entered: 1. KIUC's Motion to Compel Discovery Responses is granted as it relates to Items 18-21, 24, and 26 of KIUC's First Set of Data Requests. 2. KIUC's Motion to Compel Discovery Responses is denied, as moot, with respect to Items 22, 23, 27, 28, and 29 of KIUC's First Set of Data Requests. 3. Within three days of the date of this Order, BREC shall file the responses to Items 18-21, 24, and 26 of KIUC's First Set of Data Requests. 4. KIUC's request to direct BREC to amend the confidentiality agreement is denied as moot. 5. The amended procedural schedule set forth in the Appendix to this Order shall be followed in this case. 6. Nothing contained herein shall prevent the

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08/10/18 Commission from entering further Orders in this matter.
Big Rivers Electric Corporation Motion to Hold Remaining Procedural Deadlines in abeyance and for a Status Conference

08/08/18 KIUC, Inc. Letter Regarding Inadvertent Omission of Confidential Filing Page 5

08/06/18 KIUC, Inc. Direct Testimony and Exhibits of Lane Kollen

07/31/18 Big Rivers Electric Corporation Response to KIUC, Inc. Request for Information, Item 29

07/30/18 Attorney General's Notice of Filing

07/30/18 Big Rivers Electric Corporation Response

07/27/18 KIUC, Inc. Letter in Response to Big Rivers Electric Corporation Request for Declaratory Order

07/26/18 Big Rivers Electric Corporation Response to Attorney General Supplemental Request for Information

07/26/18 Big Rivers Electric Corporation Response to KIUC, Inc. Second Request for Information

07/26/18 Big Rivers Electric Corporation Petition for Confidential Treatment

07/26/18 Big Rivers Electric Corporation Motion for Deviation

07/26/18 Big Rivers Electric Corporation Response to Commission Staff Supplemental Request for Information

07/20/18 KIUC Brief

07/20/18 Big Rivers Brief, Motion to Compel Discovery Responses, to Stay Procedural, and to Schedule an Informal Conference

07/16/18 Commission Staff's Supplemental Request for Information to Big Rivers Electric Corporation

07/16/18 Attorney General Supplemental Data Requests to Big Rivers Electric Corporation

07/16/18 KIUC, Inc. Second Set of Data Requests to Big Rivers Electric Corporation

07/13/18 Order Entered: KIUC's motion for clarification of the Commission's July 11, 2018 Order is granted to the extent as stated herein.

07/13/18 KIUC, Inc. Petition for Clarification of Commission Order

07/13/18 Big Rivers Electric Corporation Response to KIUC, Inc. Petition for Clarification of Order

07/12/18 Order Entered: BREC's Motion for Deviation from 807 KAR 5:001 , Section 13(2)(a)(3), is granted.

07/11/18 Order Entered: 1. KIUC's motion to compel discovery, schedule an informal conference, and stay the procedural schedule is held in abeyance.
2. A hearing for receiving oral arguments on the pending motion shall be heard on Wednesday, July 25, 2018, at 1 :00 p.m. Eastern Daylight Time, at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 3. Memorandum Briefs shall be filed by KIUC and Big Rivers on or before Friday, July 20, 2018.

07/11/18 KIUC, Inc. Motion to Compel Discovery Responses, to Stay Procedural Schedule, and to Schedule Informal Conference

07/10/18 Order Entered: 1. BREC's motion to amend the procedural schedule is granted. 2. The current procedural schedule as established by the June 13, 2018 Order is amended to the limited extent as follows: a. BREC shall file rebuttal testimony no later than August 31, 2018. b. Requests for information on BREC's rebuttal testimony shall be filed no later than September 10, 2018. c. BREC's responses to requests for information on its rebuttal testimony shall be filed no later than September 17, 2018. d. BREC or any Intervenor shall request either a hearing or that the case be submitted for decision based on the record no later than September 21, 2018. 3. All other provisions of the June 13, 2018 Order shall remain in full force and effect.

07/06/18 Big Rivers electric Corporation Response to KIUC, Inc. Initial Request for Information

07/06/18 Big Rivers Electric Corporation Motion for Deviation

07/06/18 Big Rivers Electric Corporation Response to Commission Staff First Request for Information

07/06/18 Big Rivers Electric Corporation Petition for Confidential Treatment

07/06/18 Big Rivers Electric Corporation Response to Attorney General Initial Request for Information

07/02/18 Kentucky Industrial Utility Customer, Inc. Reply

06/28/18 Big Rivers Electric Corporation Motion to Amend Procedural Schedule

06/27/18 Order Entered: IBEW's motion to intervene is denied.

06/25/18 Commission Staff's First Request for Information to Big Rivers Electric Corporation

06/25/18 Attorney General Initial Data Requests to Big Rivers Electric Corporation

06/25/18 Attorney General Response to Commission Order

06/22/18 KIUC, Inc. Written Statement in Response to Commission Order of Procedure

06/21/18 Order Entered: 1. The motion of KIUC to intervene is granted. 2. KIUC shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. KIUC shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 7, related to the service and filing of documents. 4. KIUC shall adhere to the procedural schedule set forth in the Commission's June 13,

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2018 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, KIUC shall file a written statement with the Commission that:

- Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
- Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

06/20/18 IBEW Local 1701 Response to Big Rivers Electric Corporation Response to Motion to Intervene
06/19/18 Order Entered: 1. The motion of the Attorney General to intervene is granted. 2. The Attorney General shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. The Attorney General shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 7, related to the service and electronic filing of documents. 4. The Attorney General shall adhere to the procedural schedule set forth in the Commission's June 13, 2018 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, the Attorney General shall file a written statement with the Commission that:

- Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
- Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

06/19/18 Big Rivers Electric Corporation Notice of Offer Acceptance from Henderson Municipal Power and Light
06/18/18 KIUC, Inc. First Set of Data Requests to Big Rivers Electric Corporation
06/15/18 Big Rivers Electric Corporation Response to IBEW Local 1701 Petition for Full Intervention
06/13/18 Order Entered: 1. The procedural schedule established by the June 1, 2018 Order shall be amended. 2. The procedural schedule set forth in the Appendix to this Order shall be followed.

06/08/18 Attorney General's Motion to Intervene
06/08/18 International Brotherhood of Electrical Workers Local 1701 Petition for full Intervention
06/05/18 KIUC, Inc. Reply to Big Rivers Electric Corporation
06/04/18 Order Entered: Norman T. Funk and Thomas J. Costakis are admitted pro hac vice for the purpose of representing Big Rivers in association with Laura Chambliss, Tyson Kamuf, and James M. Miller in the above-styled proceeding, provided that Laura Chambliss, Tyson Kamuf, James M. Miller, or another member of the Kentucky Bar Association acts as co-counsel and is present at any and all proceedings before this Commission.

06/01/18 Order Entered: 1. The procedural schedule set forth in the Appendix to this Order shall be followed. 2. a. Responses to requests for information shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record, and the original and eight copies to the Commission. b. Each response shall be under oath or, for representatives of a public or private corporation or a partnership or 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. Any 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. 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.

06/01/18 Big Rivers Electric Corporation Response to KIUC, Inc. Motion to Intervene
05/29/18 Kentucky Industrial Utility Customers, Inc. Motion to Intervene
05/22/18 The City of Henderson and Henderson Municipal Power and Light Request to Intervene
05/15/18 Big Rivers Electric Corporation Amended Workpapers, Slide 15
05/15/18 Big Rivers Electric Corporation Notice of Co-Counsel Contact Information
05/07/18 Big Rivers Electric Corporation Workpapers for Dr. Metin Celebi Testimony, Motion for Deviation, Petition for Confidential Treatment, and Redacted CD containing Additional Workpapers

05/04/18 Big Rivers Electric Corporation Motion for Admission of Counsel Pro Hac Vice
05/01/18 Acknowledge Receipt of Filing
05/01/18 Big Rivers Electric Corporation Notice of Termination of Contracts and Application for a Declaratory Order and for Authority to Establish a Regulatory Asset and Petition for Confidential Treatment

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05/01/18 Big Rivers Electric Corporation Motion for Deviation

Total Number of Cases: 1