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Case Management System - KY Public Service Commission

Regular Cases Before the Commission as of November 10, 2026

2016-00278 RECEIVED: 07/29/16 FILED: 07/29/16 FINAL: 01/05/18 REOPENED:
SUSPENSION DATE:

CASE CODE
Declaratory Order

UTILITIES:
Big Rivers Electric Corporation

INTERVENORS:

HEARINGS:
02/07/17 Formal Hearing

INDEX OF EVENTS:

06/13/19	Order Entered: 1. BREC's February 2, 2017, February 3, 2017, and February 16, 2017 petitions for confidential protection are granted. 2. The designated materials shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission. 3. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 4. BREC shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect the designated 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 materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. 6. The Commission shall not make the designated materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow BREC to seek a remedy afforded by law.
06/27/18	POST CASE: Big Rivers Electric Corporation Notice of Filing Documents No Longer Designated Confidential
06/15/18	POST CASE: Big Rivers Electric Corporation Notice pursuant to 807 KAR 5:001 (13)(1)(b)
01/05/18	Final Order Entered: 1. Big Rivers request for a declaration that, under the terms of the Power Sales Contract, as amended, it is not required to pay for any variable costs associated with Excess Henderson Energy that it declines to take is granted. 2. Big Rivers alternative request that, in the event that the Commission finds that Big Rivers is required to pay for the variable costs associated with Excess Henderson Energy, the Commission declare the provision not fair, just, and reasonable, is denied as moot.
10/27/17	City of Henderson Status Report
10/27/17	Big Rivers Electric Corporation Status Report
09/22/17	Order Entered: 1. Big Rivers' and Henderson's request for a 45-day extension of the abeyance period is granted. 2. Big Rivers and Henderson shall, individually or jointly, file a written settlement agreement resolving all issues in this proceeding on or before October 27, 2017. 3. If Big Rivers and Henderson are unable to file a settlement agreement on or before October 27, 2017, the Commission shall shortly thereafter issue a final Order based on the merits of this matter.
09/13/17	City of Henderson and Big Rivers Electric Corp. Joint Negotiation Status Report
09/12/17	City of Henderson and Big Rivers Electric Corp. Joint Negotiation Status Report
08/29/17	Order Entered: 1. Big Rivers' and Henderson's request for a 30-day extension of the abeyance period is denied. 2. The abeyance period shall be extended an additional 14 days from the date of this Order. 3. Big Rivers and Henderson shall, individually or jointly, file a status report with the Commission no later than 14 days from the issuance of this Order. 4. If Big Rivers and Henderson are unable to reach a settlement agreement during the 14-day extension period, the Commission shall shortly thereafter issue a final Order based on the merits of this matter.
08/21/17	Big Rivers Electric Corp. Negotiation Status Report
08/21/17	City of Henderson Negotiation Status Report
08/01/17	Order Entered: 1 . Big Rivers' request for a 30-day extension of the abeyance period is granted. 2. The abeyance period is extended until August 20, 2017. 3. Big Rivers and Henderson shall individually, or jointly, file a status report with the Commission no later than August 20, 2017.

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07/20/17	City of Henderson Negotiation Status Report
07/20/17	Big Rivers Electric Corp. Status Report
05/01/17	Order Entered: 1. The joint motion of Henderson and Big Rivers to place this matter in abeyance until July 20, 2017, is granted. 2. Henderson and Big Rivers shall individually, or jointly, file a status report with the Commission no later than July 20, 2017.
04/20/17	Big Rivers and Henderson Joint Motion to Hold Proceedings in Abeyance
03/21/17	Big Rivers Electric Corp. Reply Brief
03/14/17	City of Henderson Post Hearing Brief
03/02/17	Big Rivers Electric Corp. Post Hearing Brief Appendix 1
02/28/17	Big Rivers Electric Corp. Post Hearing Brief
02/20/17	Order Entered: 1 . Big Rivers' petition for confidential protection for designated materials in its responses to Staff's Second Request, Items 1 and 3, and Henderson's Second Request, Items 9, 15, 20, and 25, is granted. 2. The materials set forth in Big Rivers' responses to Staff's Second Request, Items 1 and 3, and Henderson's Second Request, Items 9, 20, and 25, shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission. 3. The materials set forth in Big Rivers' response to Henderson's Second Request, Item 15, shall not be placed in the public record or made available for public inspection for a period of five years, or until further Orders of this Commission 4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 5. Big Rivers shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment. 6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Big Rivers 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.
02/16/17	Big Rivers Electric Corp. Response to Post Hearing Data Requests
02/09/17	Notice of Filing Hearing Documents
02/09/17	Commission Staff's Post-Hearing Request for Information to Big Rivers Electric Corporation
02/03/17	Big Rivers Electric Corp. Exhibits for Hearing and Petition for Confidential Treatment
02/02/17	Big Rivers Electric Corp. Petition for Confidential Treatment of Gary Quick Testimony
01/31/17	Order Entered: 1 . Big Rivers' motion to use the Quick Deposition is granted subject to the limitations set forth in the findings above. 2. Big Rivers shall file the Quick Deposition in its entirety, along with any petition for confidentiality no later than February 2, 2017. 3. If Henderson intends to use any portion of depositions taken of Big Rivers' personnel during the Arbitration Matter at the February 7, 2017 hearing, Henderson shall file those depositions in their entirety, along with any petition for confidentiality no later than February 2, 2017. 4. Henderson shall also file a designation of the specific testimony contained in each deposition which it intends to utilize at the February 7, 2017 hearing no later than February 2, 2017. 5. Any exhibits to be offered at the February 7, 2017 hearing which are not already in the record of this case shall be filed with the Commission and served upon the parties no later than February 3, 2017.
01/30/17	Big Rivers Electric Corp. Response to City of Henderson Et Al
01/27/17	City of Henderson Reply to Big Rivers Electric Corp. Motion
01/25/17	Order Entered: 1. Henderson shall file its response to Big Rivers' motion on or before January 27, 2017. 2. Big Rivers shall file its reply in support of its motion on or before January 30, 2017.
01/24/17	Big Rivers Electric Corp Motion to Use Deposition
01/18/17	Order Entered: 1. The motion of Henderson for a simultaneous briefing schedule is denied. 2. A hearing in this matter shall be held on Tuesday, February 7,. 2017, at 10:00 a.m. Eastern Standard Time, at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 3. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9)(a), the record of the formal hearing in this matter shall be by digital video recording. 4. Big Rivers shall file its brief addressing all factual and legal issues in this matter no later than February 28, 2017. 5. Henderson shall file a response brief no later than March 14, 2017. 6. Big Rivers shall file a reply no later than March 21, 2017.
01/09/17	Order Entered: 1. Big Rivers' petition tor confidential protection for designated material in its responses to Staff's First Request, Items 4 and 6.a., and Henderson's First Request, Item 12, is granted. 2. Big Rivers' motion to deviate from the filing requirements of 807 KAR 5:001, Section 13{2)(a)(3), is granted. 3. The materials set forth in Big Rivers' responses to Staff's First Request, Items 4 and 6.a., shall not be placed in the public record or made available for public inspection for a period of five years, or until further Orders of this Commission. 4. The materials set forth in Big Rivers' response to Henderson's First Request, Item 12, shall not be placed in the public record or made available for

	public inspection for an indefinite period of time, or until further Orders of this Commission. 5. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13{9). 6. Big Rivers shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment. 7. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Big Rivers 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.
12/16/16	City of Henderson Reply to Big Rivers Electric Corp. Motion
12/13/16	Big Rivers Electric Corp. Response to Motion for Schedule
12/08/16	City of Henderson Motion for a Briefing Schedule
12/07/16	Order Entered: Big Rivers' petition for confidential protection for designated material in Exhibit 10 to the Application is granted. 2. The materials set forth in Exhibit 10 to Big Rivers' Application shall not be placed in the public record or made available for public inspection for a period of five years, or until further Orders of this Commission. 3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
12/05/16	Big Rivers Electric Corp. Rebuttal Testimony of Robert Berry
11/28/16	Big Rivers Electric Corp. Response to Order
11/21/16	Order Entered: 1. The motion of Henderson to compel is denied. 2. Within seven days of the date of this Order, Big Rivers shall file a response to the data request attached as an Appendix to this Order. 3. Big Rivers' motion for leave to file its surreply is granted and its surreply submitted on October 10, 2016, is accepted for filing and deemed part of the official record in this matter.
11/21/16	Henderson Utility Commission Response to PSC and Big Rivers Requests for Information
11/07/16	BIG RIVERS ELECTRIC CORPORATION'S FIRST REQUEST FOR INFORMATION TO CITY OF HENDERSON. KENTUCKY. AND HENDERSON UTILITY COMMISSION D/B/A HENDERSON MUNICIPAL POWER & LIGHT
11/03/16	Commission Staff's First Request for Information to The City of Henderson, Kentucky, and the Henderson Utility Commission d/b/a Henderson Municipal Power & Light
10/24/16	Henderson Utility Commission Testimony of Gary Quick
10/10/16	Big Rivers Electric Corp. Motion to File Surreply
10/10/16	Big Rivers Electric Corp. Response to Second Request for Information and Petition for Confidential Treatment
10/05/16	City of Henderson and Henderson Utility Commission Reply to Big Rivers Electric Response
10/03/16	Big Rivers Electric Corp. Response to Motion to Compel
09/27/16	Commission Staff's Second Request for Information to Big Rivers Electric Corporation
09/27/16	City of Henderson and Henderson Utility Commission Correction
09/26/16	City of Henderson and Henderson Utility Commission Motion to Compel
09/26/16	City of Henderson and Henderson Utility Commission Request for Information from Big Rivers Corp.
09/12/16	Big Rivers Electric Corp. Response to PCS, City of Henderson and Henderson Utility Commission, Motion for Deviation and Petition for Confidential Treatment
08/29/16	Commission Staff's First Request for Information to Big Rivers Electric Corporation
08/29/16	City of Henderson First Request for Information from Big Rivers Electric Corp.
08/26/16	City of Henderson and Henderson Utility Commission Notice of Waiver of Service
08/24/16	Order Entered: 1. The motion of Henderson to intervene is granted. 2. Henderson 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. Henderson shall comply with all provisions of the Commission's regulation, 807 KAR 5:001, Section 7, related to the service and filing of documents. 4. Henderson shall adhere to the procedural schedule set forth in the Commission's August 15, 2016 Order and as amended by subsequent Orders. 5. Within seven days of entry of this Order, Henderson shall provide its electronic mail address to which all electronic documents issued by the Commission and other parties of record may be served upon Henderson in accordance with 807 KAR 5:001, Section 4(8)(b).
08/19/16	City of Henderson and Henderson Utility Motion to Intervene

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08/15/16	Order Entered: 1. The procedural schedule set forth in the Appendix, which is attached hereto and incorporated herein, 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 ten 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. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(1 0), encrypt or redact the paper so that personal information cannot be read.
07/29/16	Acknowledge Receipt of Filing
07/29/16	Big Rivers Electric Corporation Application for a Declaratory Order and Petition for Confidential Treatment

Total Number of Cases: 1