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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of June 30, 2024***2023-00312**

RECEIVED: 09/01/23

FILED: 09/01/23

FINAL: 06/28/24

REOPENED:

SUSPENSION DATE: 02/29/24

**CASE CODE**

Tariffs

**UTILITIES:**Big Rivers Electric Corporation  
Kenergy Corp.**HEARINGS:**

05/01/24 Formal Hearing

04/02/24 Formal Hearing

**INDEX OF EVENTS:**

- 06/28/24 Final Order Entered: 1. The Applicants' proposed tariffs are denied. 2. Maintenance outages should be scheduled during system off-peak times of the year when possible and the maintenance charge should be the full LIC demand charge prorated based on the number of outage days divided by the total days in the month in which the scheduled maintenance outage was to occur. 3. Standby Customers shall provide notice of any scheduled maintenance outage at least 60 days, but not more than 120 days, prior to January 1?? of each calendar year. 4. Supplemental Power Service shall be set at the standard LIC rates. 5. Joint Applicants' requirement for capacity accreditation through MISO is denied as moot. 6. The Monthly Standby Reservation Charge shall be calculated using BREC's LIC demand charge, multiplied by the customer Generator Outage Rate. 7. Forced and Unscheduled Outages shall be charged an energy rate equal to BREC's variable cost of generation. 8. The Joint Applicants' proposed revisions that were to be consistent with its proposed QF tariff in Case No. 2023-00102 are denied as moot. 9. The Joint Applicants' proposed revisions to make Standby Customers responsible for the cost of all facilities on the Standby Customer's site to meet and maintain eligibility as a MISO capacity resource, including the provisions related to non-performance costs, are denied as moot.
- 06/07/24 Michael L. Kurtz Domtar Paper Company, LLC Reply Brief of Domtar Paper Company, LLC
- 06/07/24 Edward T. Depp Big Rivers Electric Corporation, Kenergy Corp. Big Rivers Electric Corporation and Kenergy Corp.s Response Brief
- 06/07/24 Daniel E.Danford Kimberly-Clark Corporation Kimberly-Clark Corporations Reply Brief
- 06/06/24 Notice of Filing Hearing Documents - May 1, 2024
- 05/29/24 Edward T. Depp Big Rivers Electric Corporation, Kenergy Corp. Post-Hearing Brief of Big Rivers Electric Corporation and Kenergy Corp. in support of their revised LICSS Tariffs.
- 05/29/24 Michael L. Kurtz Domtar Paper Company, LLC Brief of Domtar Paper Company, LLC
- 05/29/24 Daniel E.Danford Kimberly-Clark Corporation Kimberly-Clark Corporation Post-Hearing Brief
- 05/17/24 Dan Danford Kimberly-Clark Corporation Kimberly-Clarks Confidential Response to Commission Staffs Post-Hearing Data Request and Motion for Confidential Treatment
- 05/16/24 Edward T. Depp Big Rivers Electric Corporation, Kenergy Corp. Responses to Post-Hearing Data Requests
- 05/09/24 Order Entered: 1. BREC's March 8, 2024 motion for confidential treatment for response to Joint Intervenors' Third Request, Item 3 is granted. 2. BREC's March 8, 2024 motion for confidential treatment for response to Joint Intervenors' Third Request, Attachment to Item 3 is granted. 3. BREC's March 8, 2024 motion for confidential treatment is granted for Joint Intervenors' Third Request, Item 14(c) is granted. 4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five (5) years or until further order of this Commission. 5. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 6. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, BREC shall inform the Commission and file with the Commission an unredacted copy of the designated material. 7. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, BREC shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the

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- 05/09/24 exclusions from disclosure requirements established in KRS 61.878.  
 Order Entered: 1. Kimberly-Clark's January 2, 2024 motion for confidential treatment for its response to BREC and Kenergy's First Request, Item 4 is granted confidential treatment. 2. Kimberly-Clark's January 2, 2024 motion for confidential treatment for its response to BREC and Kenergy's First Request, Item 5a. and Item 5b., is granted confidential treatment. 3. Kimberly-Clark's January 2, 2024 motion for confidential treatment for its response to BREC and Kenergy's First Request, Item 8 is granted confidential treatment. 4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further order of this Commission. 5. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 6. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Kimberly- Clark shall inform the Commission and file with the Commission an unredacted copy of the designated material.
- 05/08/24 Edward T. Depp Big Rivers Electric Corporation, Kenergy Corp. Notice of Filing
- 05/07/24 Dan Danford Kimberly Clark Corporation Re-submitting the "Direct Testimony of Tim Honadle of Kimberly-Clark Corporation - Confidential Errata Exhibit TH-1" to include the Read-First letter
- 05/07/24 Dan Danford Kimberly Clark Corporation Direct Testimony of Tim Honadle of Kimberly-Clark Corporation - Confidential Errata Exhibit TH-1
- 05/03/24 COMMISSION STAFF'S POST-HEARING REQUEST FOR INFORMATION TO BIG RIVERS ELECTRIC CORPORATION AND KENERGY CORP.
- 05/03/24 Order Entered: 1. Post-hearing requests for information, if any, shall be filed on or before May 3, 2024. 2. Responses to post-hearing requests for information shall be filed on or before May 17, 2024. 3. All parties shall file a memorandum brief, should they choose to do so, in support of their respective positions on or before May 29, 2024. 4. All parties shall file any response briefs, should they choose to do so, addressing only those issues raised in the initial briefs, on or before June 7, 2024. 5. This case shall stand submitted for a decision by the Commission effective 12:01 a.m. Eastern Daylight Time, June 8, 2024.
- 05/02/24 j CHRISTOPHER HOPGOOD Kenergy Corp. Read First letter
- 04/30/24 IT IS THEREFORE ORDERED that BREC's motion for deviation from 807 KAR 5:001, Section 9(2)(b)(2), requiring publication of notice of the May 1, 2024 hearing in a newspaper of general circulation in the areas affected by the tariff filing is granted for notice to the Herald-News publication service area.
- 04/30/24 Order Entered: 1. Kimberly-Clark's December 4, 2023 motion for confidential treatment is granted for portions of the Direct Testimony of Steven Cassidy and Exhibits 1, 2, and 3. 2. Kimberly-Clark's December 4, 2023 motion for confidential treatment is granted for portions of the Direct Testimony of Timothy Hondale and the associated exhibit. 3. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further order of this Commission. 4. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 5. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Kimberly- Clark shall inform the Commission and file with the Commission an unredacted copy of the designated material.
- 04/30/24 Order Entered: 1. Domtar's January 3, 2024 motion for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order 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 designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Domtar shall inform the Commission and file with the Commission an unredacted copy of the designated material. 5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Domtar shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Domtar is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

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04/26/24 Daniel E.Danford Kimberly-Clark Corporation Kimberly-Clark Motion for Confidential Treatment

04/26/24 Daniel E.Danford Kimberly-Clark Corporation Kimberly-Clark Motion to Revise Direct Testimony and Associated Exhibit Sponsored by Timonthy Honadle

04/26/24 Michael L. Kurtz Domtar Paper Company, LLC Domtar Paper Company, LLC Affidavit of Murray R. Hewitt

04/25/24 Edward T. Depp Big Rivers Electric Corporation, Kenergy Corp. Motion to Deviate and Notice of Filing with Exhibits

04/25/24 Order Entered: 1. Kimberly-Clark's motion to excuse Steven Cassady from the May 1, 2024 hearing is granted. 2. Steven Cassady is excused from attending the May 1, 2024 hearing. 3. Steven Cassady shall be available to answer all post-hearing data requests regarding his testimony in this case.

04/24/24 Edward T. Depp Big Rivers Electric Corporation, Kenergy Corp. Witness List

04/23/24 Daniel E.Danford Kimberly-Clark Corporation Kimberly-Clark Corporations Witness List

04/23/24 Daniel E.Danford Kimberly-Clark Corporation Emergency Motion to Excuse Personal Attendance of Kimberly-Clark Lay Witness

04/23/24 Michael L. Kurtz Domtar Paper Company, LLC Domtar Paper Company, LLCs Notice of Adoption of Testimony and its Witness List

04/10/24 Daniel E.Danford Kimberly-Clark Corporation Notice of Withdrawal

04/08/24 Senthia Santana Big Rivers Electric Corporation Duplicate of Notice of Hearing and Request for Publication

03/18/24 Michael L. Kurtz Domtar Paper Company, LLC Domtar Paper Companys Surrebuttal Testimony and Exhibit of Stephen J. Baron

03/18/24 Daniel E.Danford Kimberly-Clark Corporation Surrebuttal Testimony

03/18/24 Order Entered: 1. BREC's motion to reschedule the hearing is granted. 2. A hearing in this matter shall be held on May 1, 2024, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 3. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. 4. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter. 5. All parties shall file a witness list at least seven days prior to the hearing date.

03/13/24 Edward T. Depp Big Rivers Electric Corporation, Kenergy Corp. Amended and Unopposed Motion to Reschedule Hearing

03/11/24 Edward T. Depp Big Rivers Electric Corporation, Kenergy Corp. Emergency Motion to Reschedule Hearing

03/08/24 Edward T. Depp Big Rivers Electric Corporation, Kenergy Corp. Responses to Intervenors Third Request for Information

03/08/24 Order Entered: 1. A hearing in this matter shall be held on April 2, 2024, at 9 a.m. Eastern Daylight Time and continuing until called from the bench by the presiding officer, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 2. Big Rivers Electric Corporation (BREC), Kenergy Corporation (Kenergy), Kimberly-Clark Corporation, LLC (Kimberly-Clark) and Domtar Paper Company, LLC (Domtar), who are parties to this proceeding, shall appear at the April 2, 2024 hearing to provide testimony regarding the subject matter of this proceeding. 3. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. 4. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the April 2, 2024 hearing. 5. Each party shall provide a witness list at least seven days prior to April 2, 2024. 6. If a party intends to introduce exhibits at the hearing, the party shall prepare to provide at least 13 copies of each exhibit.

02/29/24 Order Entered: 1. BREC's November 27, 2023 motion for confidential treatment is granted by this Order and shall not be placed in the public record or made available for public inspection for the designated period or until further order of this Commission. 2. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 3. BREC shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment. 4. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this

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Order and the period during which the material has been granted confidential treatment has not expired, BREC shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls 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. 5. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

02/29/24 Order Entered: 1. BREC's October 30, 2023 motion for confidential treatment for Joint Response to Kimberly-Clark's First Request for Information, Items 4, 9, and 24 is granted. 2. BREC's October 30, 2023 motion for confidential treatment for Response to Commission Staff's First Request, Items 1 and 7 is granted. 3. BREC's October 30, 2023 motion for confidential treatment for Domtar's First Request for Information, No. 3 COSS, is granted in part and denied in part. 4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further order of this Commission. 5. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 6. BREC shall inform the Commission if the designated material granted confidential treatment becomes publicly available or no longer qualifies for confidential treatment. 7. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, BREC shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878.

02/21/24 Michael L. Kurtz Domtar Paper Company, LLC and Kimberly-Clark Corporation JOINT REQUESTS FOR INFORMATION ON REBUTTAL OF DOMTAR PAPER COMPANY, LLC AND KIMBERLY-CLARK CORPORATION TO BIG RIVERS ELECTRIC CORPORATION AND KENERGY CORP.

02/20/24 Order Entered: 1. The Intervenor's motion is granted in part and denied in part. 2. Intervenor shall file the joint request for information included as Attachment B to their motion no later than February 23, 2024. 3. Intervenor's request to amend the procedural schedule to require a response to its information request within seven days is denied. 4. The procedural schedule set forth in the Appendix to this Order shall be followed and shall replace the procedural schedule filed on September 28, 2023. 5. Intervenor's request for a formal hearing is granted. The date for the formal hearing shall be scheduled by the Commission by separate Order.

01/29/24 Daniel E. Danford Kimberly-Clark Corporation Intervenor's Joint Reply in Support of Omnibus Motion for Hearing and Amendment of Procedural Schedule

01/23/24 Edward T. Depp Big Rivers Electric Corporation Response to Intervenor's Omnibus Motion for Hearing and Amendment to Procedural Schedule

01/16/24 Daniel E. Danford Kimberly-Clark Corporation Joint Omnibus Motion for Hearing and Amendment of Procedural Schedule

01/16/24 Edward T. Depp Big Rivers Electric Corporation Big Rivers Electric Corporation and Kenergy Corp.s Joint Submission Requesting a Decision on the Existing Record.

01/09/24 Edward T. Depp Big Rivers Electric Corporation Rebuttal Testimony sponsored by Big Rivers Electric Corporations Vice President of Energy Services, Terry Wright, Jr.

01/03/24 Michael L. Kurtz Domtar Paper Company, LLC Domtar Paper Company, LLCs Motion for Confidential Treatment of Information

01/02/24 Robert C. Moore Kimberly Clark Corporation Kimberly Clarks Responses to Information Requests and Motion for Confidential Treatment

01/02/24 Michael L. Kurtz Domtar Paper Company, LLC Domtar Paper Company, LLCs Response to Big Rivers and Kenergy's First Set of Requests for Information (PUBLIC)

12/18/23 Edward T. Depp Big Rivers Electric Corporation First Requests for Information to Kimberly-Clark Corporation

12/18/23 Edward T. Depp Big Rivers Electric Corporation First Requests for Information to Domtar Paper Company, LLC

12/04/23 Robert C. Moore Kimberly Clark Corporation Corrected Motion for Confidential Treatment

12/04/23 Farren Vaughan Kimberly-Clark Corporation Direct Testimony of Steven Cassidy (redacted version); Motion for Confidential Treatment

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12/04/23 Farren Vaughan Kimberly-Clark Corporation Direct Testimony of Timothy A. Honadle (redacted version) on behalf of Kimberly-Clark Corporation; Motion for Confidential Treatment

12/04/23 Michael L. Kurtz Domtar Paper Company, LLC Domtar Paper Company, LLCs Direct Testimony and Exhibits of Stephen Thomas and Stephen J. Baron

12/04/23 Farren Vaughan Kimberly-Clark Corporation Direct Testimony of Larry Blank on behalf of Kimberly-Clark Corporation

11/27/23 Senthia Santana Big Rivers Electric Corporation Big Rivers and Kenergys Joint Responses to Supplemental Information Requests

11/27/23 Senthia Santana Big Rivers Electric Corporation Supplement to Big Rivers Electric Corporations and Kenergy Corp.s Joint Response to Domtar Paper Company LLCs First Request for Information

11/13/23 Michael L. Kurtz Domtar Paper Company, LLC Domtar Paper Company, LLC Supplemental Discovery to Big Rivers Electric Corporation and Kenergy Corp.

11/13/23 Farren Vaughan Kimberly-Clark Corporation Supplemental Information Requests to Big Rivers Electric Corporation and Kenergy Corp.

11/07/23 COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO BIG RIVERS ELECTRIC CORPORATION AND KENERGY CORP.

11/01/23 Senthia Santana Big Rivers Electric Corporation Attachment to the Response to Item No. 3 of Kimberly-Clarks First Request Information

10/30/23 Senthia Santana Big Rivers Electric Corporation Corrected Motion for Confidential Treatment and Supplemental to Joint Responses to Initial Information Requests

10/27/23 Senthia Santana Big Rivers Electric Corporation Big Rivers Electric Corporations and Kenergy Corp.s Joint Responses to Initial Information Requests

10/26/23 IT IS THEREFORE ORDERED that Robert A. Weishaar, Jr, Brigid Khuri, and Susan E. Bruce are admitted pro hac vice for the purpose of representing Kimberly-Clark in association with Daniel E. Danford in the above-styled proceeding, provided that Daniel E. Danford or another member of the Kentucky Bar Association acts as co-counsel and is present at all proceedings before this Commission.

10/18/23 Robert C. Moore Kimberly-Clark Corporation Written statement concerning filing

10/13/23 Robert C. Moore Kimberly Clark Corporation Information Requests

10/13/23 Robert C. Moore Kimberly Clark Corporation Motion to Pro Hac Vice

10/13/23 Michael L. Kurtz Domtar Paper Company, LLC Domtar Paper Company, LLC First Set Discovery to Big Rivers and Kenergy

10/12/23 Michael L. Kurtz Domtar Paper Company, LLC Domtar Paper Company, LLCs Written Statement

10/12/23 Order Entered: 1. Kimberly-Clark's motion to intervene is granted. 2. Kimberly-Clark is 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. Kimberly-Clark shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents. 4. Kimberly-Clark shall adhere to the procedural schedule set forth in the Commission's September 27, 2023 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Kimberly-Clark shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

10/12/23 Order Entered: 1. Domtar's motion to intervene is granted. 2. Domtar is 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. Domtar shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents. 4. Domtar shall adhere to the procedural schedule set forth in the Commission's September 27, 2023 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Domtar shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

10/10/23 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO BIG RIVERS ELECTRIC CORPORATION AND KENERGY CORP.

10/03/23 Edward T. Depp Big Rivers Electric Corporation Entries of Appearance

09/28/23 Robert C. Moore Kimberly Clark Corporation Motion for Full Intervention of Kimberly Clark Corporation

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09/27/23 Order Entered: 1. This proceeding is established to investigate the reasonableness of the proposed tariffs. 2. BREC's proposed tariff is suspended for five months from October 1, 2023, up to and including February 29, 2024. 3. Kenergy's proposed tariff is suspended for five months from October 11, 2023, up to and including March 10, 2024. 4. BREC shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel. 5. Kenergy shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel. 6. BREC may respond to the motion for intervention filed on behalf of Domtar within seven days of the date of entry of this Order. 7. Kenergy may respond to the motion for intervention filed on behalf of Domtar within seven days of the date of entry of this Order. 8. The entirety of Case Nos. 2021-00289, 2023-00017, and 2023-00063 shall be incorporated into this proceeding. 9. 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.

09/11/23 Kenergy Corp. Tariff Filing  
09/01/23 Big Rivers Electric Corporation Tariff Filing

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Total Number of Cases: 1