

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BIG RIVERS ELECTRIC CORPORATION'S)
NOTICE OF CHANGES IN RATES AND)
TARIFFS FOR WHOLESALE ELECTRIC SERVICE) CASE NO. 9613
AND OF A FINANCIAL WORKOUT PLAN)

O R D E R

On February 2, 1987, National-Southwire Aluminum Company ("NSA") filed a motion requesting the Commission to either strike the proposed findings of fact and conclusions of law filed by Big Rivers Electric Corporation ("Big Rivers") or, in the alternative, grant the Intervenors until February 16, 1987, to file proposed findings of fact and conclusions of law. NSA claims that the procedural order established in this case allowed all parties to file simultaneously briefs and reply briefs, but made no provision for submitting findings of fact and conclusions of law. NSA further argues that Big Rivers' submission of proposed findings of fact and conclusions of law with its reply brief results in a denial to NSA and the other intervenors of an opportunity to submit their own findings and conclusions or to point out the inaccuracies contained in those filed by Big Rivers.

On February 5, 1987, Big Rivers submitted a response in opposition to NSA's motion. Big Rivers states that all parties had the opportunity to submit proposed findings of fact and conclusions of law but no one other than Big Rivers chose to do

so. Big Rivers further argues that to now allow the intervenors an opportunity to file any further document would prejudice Big Rivers and result in a violation of the Commission's previous order requiring simultaneous submissions.


Based on the evidence of record and being advised, the Commission is of the opinion and hereby finds that the procedural schedule previously established for this case did not expressly provide for the filing of proposed findings of fact and conclusions of law. However, due to the complexity of the issues in this case, the Commission believes that proposed findings of fact and conclusions of law may be helpful. The Commission further finds that Big Rivers would be prejudiced if the intervenors were given an opportunity to make any comment on the findings of fact and conclusions of law already tendered by Big Rivers. Therefore, the intervenors will be granted until February 17, 1987, to file proposed findings of fact and conclusions of law that neither discuss nor refer to those previously submitted by Big Rivers.

IT IS THEREFORE ORDERED that:

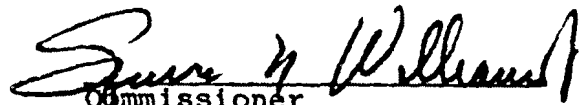
1. NSA's motion to strike the proposed findings of fact and conclusions of law filed by Big Rivers be and it hereby is denied.
2. NSA's motion to file findings of fact and conclusions of law be and it hereby is granted, and all intervenors shall have until February 17, 1987, to file findings of fact and conclusions of law that do not discuss or refer to those filed by Big Rivers.

Done at Frankfort, Kentucky, this 10th day of February, 1987.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director