

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CITY OF HENDERSON, KENTUCKY, CITY OF)
HENDERSON UTILITY COMMISSION, AND BIG)
RIVERS ELECTRIC CORPORATION APPLICATION) CASE NO. 93-065
FOR CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AND TO FILE PLAN FOR)
COMPLIANCE WITH CLEAN AIR ACT AND IMPOSE)
ENVIRONMENTAL SURCHARGE)

O R D E R

Big Rivers Electric Corporation ("Big Rivers") has applied, pursuant to KRS 278.183, for an environmental surcharge to recover its costs of complying with the Federal Clean Air Act. Big Rivers proposes to make the surcharge effective on December 22, 1993. Big Rivers has also moved for incorporation of the records of Cases No. 91-331¹ and No. 93-341² into the record of this proceeding.

After reviewing the application and being otherwise sufficiently advised, the Commission finds that:

1. Further proceedings are necessary to determine the reasonableness of the proposed environmental surcharge.
2. KRS 278.183 permits use of environmental surcharge only upon Commission approval or upon the Commission's failure to act on

¹ Case No. 91-331, A Review Pursuant to 807 KAR 5:058 of the 1991 Integrated Resource Plan of Big Rivers Electric Corporation.

² Case No. 93-341, A Review Pursuant to 807 KAR 5:058 of the 1993 Integrated Resource Plan of Big Rivers Electric Corporation.

a utility's application for such surcharge within six months of its submission.

3. Absent Commission disapproval, Big Rivers' proposed environmental surcharge is not effective until Commission approval or May 21, 1994, whichever occurs first.

4. The records of Cases No. 91-331 and No. 93-341 should be incorporated by reference into the record of this proceeding.

IT IS THEREFORE ORDERED that:

1. Big Rivers shall not assess its proposed environmental surcharge until Commission approval or May 21, 1994, whichever occurs first.

2. The procedural schedule set forth in Appendix A to this Order shall be followed.

3. All requests for information and responses thereto shall be appropriately indexed. All responses shall include the name of the witness who will be responsible for responding to the questions related to the information provided, with copies to all parties of record and 10 copies to the Commission.

4. Big Rivers shall give notice of the hearing in accordance with 807 KAR 5:011, Section 8(5). At the time publication is requested, it shall forward a duplicate of the notice and request to the Commission.


5. Motions for extensions of time with respect to the schedule herein shall be made in writing and shall be granted only upon a showing of good cause.

6. The records of Cases No. 91-331 and No. 93-341 are incorporated by reference into the record of this proceeding.

7. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

Done at Frankfort, Kentucky, this 21st day of December, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 93-065 DATED December 21, 1993.

All requests for information to Big Rivers shall
be served no later than 01/14/94

Big Rivers shall serve responses to
the requests for information no later than 01/28/94

All supplemental requests for information to
Big Rivers shall be served no later than 02/11/94

Big Rivers shall serve responses to supplemental
requests for information no later than 02/23/94

Intervenor testimony, if any, in verified prepared
form shall be served no later than 03/07/94

All requests for information to Intervenors
shall be served no later than 03/17/94

Intervenors shall serve responses to requests
for information no later than 03/28/94

Big Rivers shall submit rebuttal testimony, if any,
in verified prepared form no later than 04/07/94

Public Hearing is to begin at 9:00 a.m., Eastern
Standard Time, in Hearing Room 1 of the Commission's
offices at 730 Schenkel Lane, Frankfort, Kentucky,
for the purpose of cross-examination of witnesses
of Big Rivers and Intervenors 04/12/94

Parties may submit written briefs no later than 05/02/94