

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE )  
COMMISSION OF THE APPLICATION OF THE )  
FUEL ADJUSTMENT CLAUSE OF BIG RIVERS ) CASE NO. 92-490-B  
ELECTRIC CORPORATION FROM MAY 1, 1993 )  
TO OCTOBER 31, 1993 )

O R D E R

On August 5, 1998, the Commission issued an Order in this proceeding addressing Big Rivers Electric Corporation's ("Big Rivers") motion for stay and dismissal of the proceeding. When issuing this Order the Commission incorrectly identified this case as Case No. 92-492-B. The Commission HEREBY ORDERS, nunc pro tunc, that the Order of August 5, 1998 is amended as follows to reflect the correct case number.

Big Rivers has moved for a stay and dismissal of these proceedings. In support of its motion, Big Rivers states that the requested relief is necessary to implement the Plan of Reorganization approved by the U.S. Bankruptcy Court<sup>1</sup> and is mandated by that Court's decision to discharge all fuel adjustment clause related claims. No response in opposition to the motion has been received.

Having considered Big Rivers' motion and taking administrative notice of the Franklin Circuit Court's Order of July 13, 1998 in Civil Action No. 94-CI-001184,<sup>2</sup> the

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<sup>1</sup> In Re: Big Rivers Electric Corporation, No. 96-41168 (Bankr. W.D. Ky. June 1, 1998) at 10 -11.

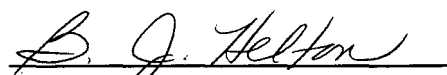
<sup>2</sup> Big Rivers Electric Corp. v. Public Serv. Comm'n, No. 94-CI-01184 (Franklin Cir. Ct. Ky. July 13, 1998).


Commission finds that Big Rivers' motion is moot. By its Order of July 13, 1998, Franklin Circuit Court has granted the relief that Big Rivers requests from this Commission. Moreover, as any further Commission action in this proceeding will be undertaken solely to comply with the Franklin Circuit Court Judgment of October 20, 1995,<sup>3</sup> and as Franklin Circuit Court has indicated its intention to recall and vacate that Judgment, no further proceedings will be required and this case should remain closed.

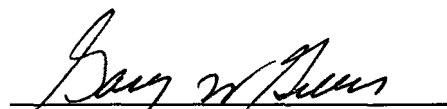
IT IS THEREFORE ORDERED that Big Rivers' Motion for Stay and Dismissal of Proceedings is denied as moot.

Done at Frankfort, Kentucky, this 7th day of August, 1998.

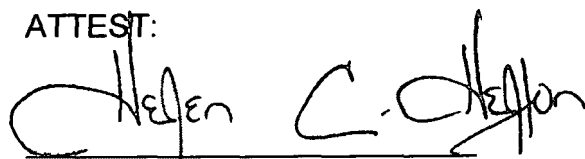
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

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<sup>3</sup> Big Rivers Electric Corp. v. Public Serv. Comm'n, No. 94-CI-01184 (Franklin Cir. Ct. Ky. Oct. 21, 1995). In this Judgment, Franklin Circuit Court remanded the July 21, 1994 Order entered in Case No. 90-360-C to the Commission with instructions to determine whether Contracts No. 527 and No. 865 complied with Administrative Regulation 807 KAR 5:056, whether the fuel costs associated with these contracts were the result of imprudent fuel procurement practices, and whether such costs were prudent. As our Order of August 9, 1994 in this proceeding is based upon the methodology and findings set forth in the July 21, 1994 Order and as Big Rivers' action for review of the August 9, 1994 Order was consolidated with the actions for review of the July 21, 1994 Order, the Commission is of the opinion that any action that Franklin Circuit Court requires us to take with regard to the July 21, 1994 must also be taken with regard to the August 9, 1994 Order.