

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENERGY)	CASE NO.
CORP. FOR A DECLAITORY ORDER)	2020-00095

ORDER

This matter arises from an application for a declaratory order filed by Kenergy Corp. regarding the appropriate method for flowing through a change in Big Rivers Electric Corporation's rates to its customer classes pursuant to KRS 278.455. The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), filed a motion to intervene pursuant to KRS 367.150(8) on March 26, 2020, and that motion was granted in a separate Order. On March 31, 2020, Kentucky Industrial Utility Customers (KIUC) filed a motion to intervene pursuant to 807 KAR 5:001, Section 4(11)(a)(1). No response was filed to that motion, and it is now before the Commission for a determination.

KIUC argued that its members are some of the largest industrial customers of Kenergy and that while the Attorney General has a duty to represent the interest of all customers that duty relates primarily to representing the interest of residential customers. KIUC notes that the issue Kenergy seeks to have the Commission resolve relates to the allocation of wholesale rates to Kenergy's various customer classes. Therefore, the interests of its members, who are large industrial customers, are not adequately represented by any party because residential customers and industrial customers will be adverse with respect to the allocation of those costs.

Having reviewed the record and being otherwise sufficiently advised, it appears to the Commission that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The Commission directs KIUC to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085¹ regarding filings with the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency. Thus, the Commission finds that KIUC should be granted full rights of a party in this proceeding.

IT IS HEREBY ORDERED that:

1. The motion of KIUC to intervene is granted.
2. KIUC 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. KIUC 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. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, KIUC 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 should be served.

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

By the Commission

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2020-00095

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