

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)	CASE NO.
CORPORATION FOR AN ADJUSTMENT OF)	2012-00535
RATES)	

ORDER

The matter is before the Commission upon a joint motion filed by the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and Ben Taylor and the Sierra Club (collectively "Movants") requesting that the July 1, 2013 formal evidentiary hearing be rescheduled. In support of their motion, Movants noted that Big Rivers Corporation's ("Big Rivers") rebuttal testimony, which was recently filed on June 24, 2013, disclosed for the first time the company's decision to idle the Coleman Generating Station rather than the Wilson Generating Station, subject to certain reliability studies being conducted by the Midcontinent Independent System Operator, Inc. Movants also point out that Big Rivers announced on June 25, 2013, yet another plan to either sell both Coleman and Wilson Generating Stations or idle those generating units. Movants contend that such disclosures represent a material change to Big Rivers' rate application because, until now, the vast majority of the data Big Rivers provided both in its application and in discovery responses focused solely on its initial proposal to idle the Wilson Generating Station.

Movants contend that Big Rivers' has in effect amended its application and that such changes raise issues pertaining to costs and implications to the company's long-term resource planning. Movants argue that they are entitled to have an opportunity to

conduct further discovery to focus on these material changes to Big Rivers' rate application, which would necessitate the July 1, 2013 hearing being rescheduled to a later date.

Big Rivers filed a response objecting to Movants' request to reschedule the hearing and arguing that Movants have not indicated any information that they need, but do not have, in order to proceed with the hearing. Big Rivers contends that the facts cited by Movants are not an amendment to the company's rate application. Big Rivers notes that its proposal to idle the Wilson Generating Station was an interim assumption based on information known at the time of the filing of its rate application. Big Rivers points to numerous instances in its testimony and discovery responses, as well as references made by Movants in their respective testimonies and discovery questions, that acknowledge and support the proposition that Big Rivers' anticipated idling plans were not yet final. Big Rivers likewise argues that information concerning its plans to potentially sell its generating assets have been disclosed and the subject of discovery throughout the proceeding.

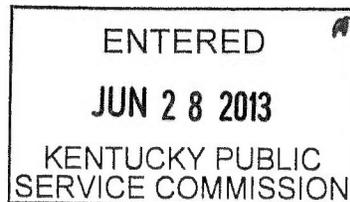
Concerning Movants' argument for additional discovery, Big Rivers asserts that it has provided significant amounts of information about the possible idling of the Coleman Generating Station, including detailed financial and production cost spreadsheets. Big Rivers further notes that the anticipated idling of the Coleman Generating Station instead of the Wilson Generating Station does not affect its financial forecast and that such information was provided in its rebuttal testimony and in discovery responses.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that Movants have failed to establish good cause to require a

rescheduling of the July 1, 2013 hearing of this matter. The Commission notes that all intervenors in this matter, including Movants, will have a full opportunity at the hearing to address, via cross examination, any and all of the issues raised by Big Rivers' decisions to idle its Coleman Generating Station and potentially sell some of its generating assets.

IT IS THEREFORE ORDERED that Movants joint motion to reschedule the July 1, 2013 formal evidentiary hearing is denied without prejudice.

By the Commission



ATTEST:



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