

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|-------------------------------------|---|------------|
| JOINT APPLICATION OF KENERGY CORP. |) | |
| AND BIG RIVERS ELECTRIC CORPORATION |) | CASE NO. |
| FOR APPROVAL OF CONTRACTS AND FOR A |) | 2013-00221 |
| DECLARATORY ORDER |) | |

ORDER

On July 22, 2013, Kenergy Corp. ("Kenergy") and Big Rivers Electric Corporation ("Big Rivers") (collectively "Applicants") filed a motion to strike the written comments filed on July 19, 2013 by Ben Taylor and Sierra Club (collectively "Sierra Club"). The Applicants state that the Sierra Club had filed a motion for intervention and that the motion was denied by the Commission's Order issued July 19, 2013. Based on the Sierra Club's lack of status as an intervenor, the Applicants assert that the Sierra Club should not be permitted to file comments.

On July 23, 2013, the Sierra Club filed a response in opposition to the Applicants' motion to strike. The Sierra Club claims that although it was not granted intervention, it does have the right to file comments as a non-party under Commission regulation 807 KAR 5:001, Section 4(11)(d), and that the motion to strike should be denied

Based on the motion to strike, the response in opposition, and being otherwise sufficiently advised, the Commission finds that the Sierra Club's comments should not be stricken but should be accepted for filing as comments by a non-party.

IT IS THEREFORE ORDERED that the Applicants' motion to strike is denied and the Sierra Club's comments are accepted for filing as comments by a non-party.

By the Commission

ENTERED
JUL 30 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2013-00221

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