

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENERGY CORP. FOR	)	CASE NO.
APPROVAL OF FLOW THROUGH RATES	)	2013-00385
PURSUANT TO KRS 278.455	)	

ORDER

On December 3, 2013, Kenergy Corp. ("Kenergy") tendered for filing an application to pass through any wholesale rate adjustment granted to its wholesale power supplier, Big Rivers Electric Corporation ("Big Rivers"), in Case No. 2013-00199.<sup>1</sup> Kenergy submitted its application pursuant to the authority of KRS 278.455(2) and proposed that its new rates become effective the same date as Big Rivers' rates in Case No. 2013-00199.

KRS 278.455(2) provides that the rates of a distribution cooperative shall become effective on the same date as those of its wholesale supplier. On July 18, 2013, the Commission suspended Big Rivers' proposed rates in Case No. 2013-00199 for six months up to and including January 27, 2014. Consequently, Kenergy's proposed rates may not become effective until the Commission renders a decision on Big Rivers' proposed rates or until Big Rivers' rates become effective as a matter of law.

Based on a review of Kenergy's application, the Commission finds that an investigation will be necessary to determine the reasonableness of the proposed rates. Pursuant to KRS 278.190(2), the Commission will suspend the effective date of

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<sup>1</sup> Case No. 2013-00199, Application of Big Rivers Electric Corporation for a General Adjustment in Rates Supported by Fully Forecasted Test Period, filed June 28, 2013. The effective date of Big Rivers' proposed rates is January 27, 2014.

Kenergy's proposed rates until April 27, 2014, which is the end of the ten-month period under KRS 278.190(3) for the Commission to rule on Big Rivers' rate application. Big Rivers' rates have been suspended through January 27, 2014. Should Big Rivers lawfully place its proposed rates into effect on an interim basis subject to refund after Big Rivers' suspension period, Kenergy may simultaneously place its proposed rates into effect on an interim basis subject to refund pursuant to KRS 278.455(2).

A person interested in becoming a party to this proceeding shall file a motion to intervene with the Commission pursuant to 807 KAR 5:001, Section 4(11), no later than December 13, 2013. A person who submits a motion to intervene after December 13, 2013, and who, upon a showing of good cause, is granted full intervention, shall accept and abide by the existing procedural schedule.

IT IS THEREFORE ORDERED that:

1. Kenergy's proposed rates are hereby suspended up to and including April 27, 2014.
2. Should Big Rivers lawfully place its proposed rates into effect on an interim basis subject to refund after the suspension period, Kenergy may simultaneously place its proposed rates into effect on an interim basis subject to refund pursuant to KRS 278.455(2).
3. The procedural schedule set forth in the Appendix, which is attached hereto and incorporated herein, shall be followed.
4. a. All requests for information and responses thereto shall be appropriately bound, tabbed, and indexed and the original and ten copies shall be filed with the Commission, with copies to all parties of record. Any request for information by

letter from the Commission Staff shall be responded to as if set forth in a Commission Order. All responses shall include the name of the witness who is responsible for responding to the questions related to the information provided.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior responses if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any requests to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

5. All parties shall respond to any interrogatories and requests for production of documents that Commission Staff submits in accordance with the procedural schedule set forth in the Appendix.

6. Any party filing testimony shall file an original and ten copies with the Commission, with copies to all parties of record.

7. Kenergy shall give notice of a hearing in accordance with the provisions set out in 807 KAR 5:001, Section 9(2). At the time publication is requested, Kenergy shall forward a duplicate of the notice and request to the Commission.

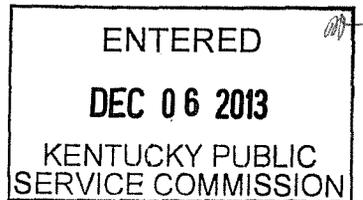
8. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

9. Any objections or motions relating to discovery or procedural dates shall be filed upon four business days' notice or the filing party shall explain, in writing, why such notice was not possible.

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

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

By the Commission



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2013-00385 DATED **DEC 06 2013**

A person interested in becoming a party to this proceeding shall file a motion to intervene with the Commission pursuant to 807 KAR 5:001, Section 4(11) no later than.....12/13/13

Initial requests for information to Kenergy shall be filed no later than ..... 12/13/13

Kenergy shall file responses to initial requests for information no later than ..... 12/23/13

Supplemental requests for information to Kenergy shall be filed no later than .....01/07/14

Kenergy shall file responses to supplemental requests for information no later than .....01/14/14

Intervenor testimony, if any, in verified prepared form shall be filed no later than .....01/21/14

All requests for information to Intervenors shall be filed no later than .....01/28/14

Intervenors shall file responses to requests for information no later than .....02/04/14

Public hearing, if needed, for the purpose of cross-examination of witnesses of Kenergy and Intervenors.....To be scheduled

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