

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS)
ELECTRIC CORPORATION FOR) Case No. 2021-00378
ENFORCEMENT OF ORDER)

**MOTION TO ESTABLISH EXPEDITED PROCEDURAL SCHEDULE
OF BIG RIVERS ELECTRIC CORPORATION**

Big Rivers Electric Corporation (“Big Rivers”) respectfully moves the Kentucky Public Service Commission (“Commission”) to establish an expedited procedural schedule in this matter. As described in detail in Big Rivers’ Application for Enforcement of Commission Order filed contemporaneously herewith, the matters at issue in Case No. 2019-00269 surrounding the rates and service standards set forth in the Station Two Contracts between Big Rivers and City of Henderson, Kentucky and Henderson Utility Commission d/b/a Henderson Municipal Power & Light (collectively, “Henderson” or “City”) were before this Commission for over two years (from July 31, 2019 through August 2, 2021). Those issues were fully litigated, including several rounds of discovery, an evidentiary hearing, and briefing, which ultimately resulted in the Commission’s August 2, 2021 Final Order. Hence, there are no remaining issues from Case No. 2019-00269 for the parties to address in this matter other than compliance with the Commission’s Final Order.

Henderson’s refusal to comply with that Final Order to date, by failing to pay the invoices sent by Big Rivers in accordance with the Commission’s directives, presents an immediate problem. First, it is unlawful given the well-established rule that Commission orders are effective when issued despite being challenged on appeal.¹ Second, as Big Rivers

¹ KRS 278.390; *Jent v. Ky. Utils. Co.*, 332 S.W.3d 102, 105 (Ky App. 2010).

has repeatedly explained, time is of the essence with respect to decommissioning the Station Two ash pond in accordance with the Coal Combustion Residuals Rule, and addressing potential employee asbestos exposure concerns surrounding Station Two. Third, Henderson's non-compliance directly impacts Big Rivers' rates. Accordingly, in order to compel Henderson's compliance with the Commission's Final Order as quickly as possible, Big Rivers respectfully requests that the following procedural schedule be adopted in this matter:

- Responses to Big Rivers Application – October 13
- Replies to Responses – October 22

Thereafter, the matter should stand for judgment by the Commission.

Respectfully submitted,

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