

**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)	
)	

**SECOND SUPPLEMENT TO APPLICATION
OF BIG RIVERS ELECTRIC CORPORATION**

Big Rivers Electric Corporation’s (“Big Rivers”) December 3, 2021 Summary of Outstanding Balance Due (which includes the associated underlying invoices for the current charges billed that month) for amounts owed pursuant to the Commission’s August 2, 2021 Order in Case No. 2019-00269 (“Order”) is attached. Big Rivers hand delivered these documents to Henderson Utility Commission d/b/a Henderson Municipal Power & Light’s (collectively, “Henderson” or “City”) on December 3, 2021.

Big Rivers has now delivered three Summaries of Outstanding Balance Due (“Bill Summary”) with the associated invoices to Henderson for amounts due pursuant to the Order. Each Bill Summary contains three general categories of costs owed to Big Rivers in accordance with the Order. The first category, referenced to on each Bill Summary as “Station Two Operations”, includes all costs other than decommissioning and ash pond costs and totals \$214,398. The Station Two Operations category amount is fixed, has already been fully vetted by the

Commission, addressed specifically in the Commission’s Order, and will not change in future invoices.¹

The second category includes Henderson’s share of Station Two decommissioning costs that Big Rivers has incurred on Henderson’s behalf as of the date of each Bill Summary and referenced on the Bill Summary as “Ramp Down” and “Landfill”. As contemplated in the Order, Henderson’s share of ongoing costs will be established as these costs become known and are incurred throughout the decommissioning process. Each Bill Summary includes the costs in this category incurred as of the date of the Bill Summary. The final category includes Henderson’s share of Station Two decommissioning costs associated with the closure of the Station Two ash pond and are referenced on each Bill Summary as “Ash Pond and CCR”. These Ash Pond and CCR costs are the only of the three categories for which Henderson has made any payment since the entry of the Commission’s Order. However, these costs are only a small portion of the total amount contemplated in the Order.

A summary of the three Bill Summaries is below:

Date of Bill Summary	Station Two Operations	Decommissioning (Ramp Down & Landfill) Amount to Date	Decommissioning (Ash Pond & CCR) Amount to Date	Total Outstanding Balance
August 13, 2021	\$214,398	\$1,432,177	\$65,887	\$1,712,462
October 27, 2021	\$214,398	\$1,623,732	\$69,653	\$1,907,784
December 3, 2021	\$214,398	\$1,673,033	\$72,374	\$1,959,805

¹ See Order at 11 and 38. Total of all non-decommissioning costs as shown on Interim Accounting Summary = \$441,524 (Order at 11), minus Commission-ordered reduction to O&M or other costs of \$227,045 (Order at 38) = 214,479.

To date, Henderson has not paid the amounts owed to Big Rivers for either the Station Two Operations category or the Decommissioning (Ramp Down & Landfill) category. The total of these two categories is already almost \$1.9 million and growing. While Henderson has paid the majority of the Decommissioning (Ash Pond & CCR) amounts (Big Rivers has received payments of \$68,179 to date), a partial payment of only one of the categories is not compliant with the Commission's clear directives in the Order. Accordingly, expeditious action by the Commission under KRS 278.390 is necessary to ensure that Big Rivers is timely paid the significant and rapidly increasing costs owed to it pursuant to the Order.

As stated in previous filings in this Docket, Big Rivers proposes that the Commission take the following actions to ensure compliance with its Order:

- 1) Henderson's failure to pay the \$214,398 in fixed, Station Two Operations costs is an ongoing violation of the Commission's Order that the Commission should immediately address pursuant to its authority under KRS 278.390.

- 2) To the extent that Henderson disputes Big Rivers' calculation of ongoing Decommissioning (Ramp Down & Landfill) costs, or begins to dispute the Decommissioning (Ash Pond & CCR) costs, this should be addressed through the establishment of a review process before the Commission as described in Big Rivers' Response To Issues Raised At Hearing filed on November 30, 2021.

Respectfully submitted,

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December 14, 2021



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Date **12/2/2021**

Summary of Outstanding Balance Due

Description	Current Invoices				Past Due Invoices					Total Amount Due	
	Decommissioning Costs				Station Two Operations	Decommissioning Costs			Payments Received		Total Past Due
	Ramp Down	Landfill	Ash Pond and CCR	Total		Ramp Down	Landfill	Ash Pond and CCR			
Excess Henderson Energy	\$ -	\$ -	\$ -	\$ -	\$ (3,310,482.54)	\$ -	\$ -	\$ -	\$ -	\$ (3,310,482.54)	\$ (3,310,482.54)
HMP&L Native Load	-	-	-	-	4,693,587.29	-	-	-	-	4,693,587.29	4,693,587.29
MISO Fees	-	-	-	-	1,422,761.54	-	-	-	-	1,422,761.54	1,422,761.54
FY 17/18 Annual Settlement	-	-	-	-	(1,649,922.53)	-	-	-	-	(1,649,922.53)	(1,649,922.53)
FY 18/19 Annual Settlement	-	-	-	-	(1,020,295.80)	-	-	-	-	(1,020,295.80)	(1,020,295.80)
Auxillary Power	-	-	-	-	78,750.98	-	-	-	-	78,750.98	78,750.98
Invoice BR32019	-	-	-	-	214,398.94	-	-	-	-	214,398.94	214,398.94
Invoice BR06-2021	-	-	-	-	-	777,685.08	664,219.23	-	(9,727.84)	1,432,176.47	1,432,176.47
Invoice BR07-2021	-	-	-	-	-	38,292.84	153,262.68	-	-	191,555.52	191,555.52
Invoice BR08-2021	-	-	-	-	-	-	-	69,653.42	-	69,653.42	69,653.42
Invoice BR09-2021	-	-	2,720.84	2,720.84	-	-	-	-	-	-	2,720.84
Invoice BR10-2021	6,513.60	42,787.23	-	49,300.83	-	-	-	-	-	-	49,300.83
Total	\$ 6,513.60	\$ 42,787.23	\$ 2,720.84	\$ 52,021.67	\$ 214,398.94	\$ 815,977.92	\$ 817,481.91	\$ 69,653.42	\$ (9,727.84)	\$ 1,907,784.35	\$ 1,959,806.02