$\frac{1}{2}$ 

## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

3

4 In the Matter of:

 $\mathbf{5}$ 

6

7

8

## KIMBERLY-CLARK CORPORATION<br/>Complainant)v.)v.)BIG RIVERS ELECTRIC CORPORATION<br/>KENERGY CORP.)Defendants)

## JOINT NOTICE OF AGREEMENT

9 The Kentucky Public Service Commission's ("Commission") April 14, 2023, 10 Order in the above-captioned proceeding allowed the parties 60 days from the date 11 of service of the Order to work out an agreement and directed the parties to file 12 any agreement into the record. The parties (Big Rivers Electric Corporation ("Big 13 Rivers"), Kenergy Corp. ("Kenergy"), and Kimberly-Clark Corporation ("Kimberly-14 Clark")) have reached an agreement on how to calculate the refund to Kimberly-15 Clark and the amount to be refunded.

The parties agree that Big Rivers will refund to Kenergy, and Kenergy will refund to Kimberly-Clark, \$168,483.18 to refund the FAC, Non-FAC PPA, and Environmental Surcharge charges that had been applied in hours in which energy charges were based on market prices for service from March 2022 through April 2023. In addition, Big Rivers will charge Kenergy, and Kenergy will charge Kimberly-Clark, \$28,091.42 to recover the MRSM credits that had been applied in those same hours. This results in a net refund to Kimberly-Clark of \$140,391.76.

1	Going forward, Big Rivers and Kenergy will not apply the FAC, Non-FAC
2	PPA, Environmental Surcharge, and MRSM riders to energy charges for Kimberly-
3	Clark in hours in which the energy charge is based on market prices. To be able
4	to accomplish the necessary billing calculations, Big Rivers and its Members will
5	begin calculating the MRSM using kWh volumes for the month prior to the current
6	service month instead of using the volumes for the current service month. For
7	example, the MRSM will be calculated using May volumes for the June service
8	month that is billed in July instead of using June volumes. This will align the
9	volumes used for the MRSM with the volumes used for the FAC. No changes are
10	needed for the methodologies for calculating the other riders.
11	This resolves Kimberly-Clark's complaint that gave rise to this proceeding.
12	Nothing in this agreement shall limit the signatories parties from taking any
14	Nothing in this agreement shan mint the signatories parties from taking any
12	position in future proceedings before the Kentucky Public Service Commission
13	position in future proceedings before the Kentucky Public Service Commission
13 14 15 16	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff.
13 14 15	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff. On this the 16 <sup>th</sup> day of June, 2023.
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> </ol>	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff. On this the 16 <sup>th</sup> day of June, 2023. Respectfully submitted, DORSEY, GRAY, NORMENT &
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff. On this the 16 <sup>th</sup> day of June, 2023. Respectfully submitted, DORSEY, GRAY, NORMENT & HOPGOOD 318 Second Street
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff. On this the 16 <sup>th</sup> day of June, 2023. Respectfully submitted, DORSEY, GRAY, NORMENT & HOPGOOD 318 Second Street Henderson, KY 42420
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff. On this the 16 <sup>th</sup> day of June, 2023. Respectfully submitted, DORSEY, GRAY, NORMENT & HOPGOOD 318 Second Street Henderson, KY 42420 Telephone (270) 826-3965
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff. On this the 16 <sup>th</sup> day of June, 2023. Respectfully submitted, DORSEY, GRAY, NORMENT & HOPGOOD 318 Second Street Henderson, KY 42420
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff. On this the 16 <sup>th</sup> day of June, 2023. Respectfully submitted, DORSEY, GRAY, NORMENT & HOPGOOD 318 Second Street Henderson, KY 42420 Telephone (270) 826-3965 Telefax (270) 826-6672 Attorneys for KENERGY CORP.
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff. On this the 16 <sup>th</sup> day of June, 2023. Respectfully submitted, DORSEY, GRAY, NORMENT & HOPGOOD 318 Second Street Henderson, KY 42420 Telephone (270) 826-3965 Telefax (270) 826-6672 Attorneys for KENERGY CORP. By: _/s/ J. Christopher Hopgood
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	position in future proceedings before the Kentucky Public Service Commission regarding the LICSS tariff. On this the 16 <sup>th</sup> day of June, 2023. Respectfully submitted, DORSEY, GRAY, NORMENT & HOPGOOD 318 Second Street Henderson, KY 42420 Telephone (270) 826-3965 Telefax (270) 826-6672 Attorneys for KENERGY CORP.

1	
2	<u>/s/</u> Tyson Kamuf
3	Tyson Kamuf
4	Senthia Santana
5	Whitney Kegley
6	<b>Big Rivers Electric Corporation</b>
7	201 Third Street, P.O. Box 24
8	Henderson, Kentucky 42419-0024
9	Phone: (270) 827-2561
10	Facsimile: (270) 844-6417
11	tyson.kamuf@bigrivers.com
12	senthia.santana@bigrivers.com
13	whitney.kegley@bigrivers.com
14	Counsel for Big Rivers Electric
15	Corporation
16	
17	and
18	
19	/s/ Kurt J. Boehm (with permission)
20	Kurt J. Boehm, Esq.
21	Jody Kyler Cohn, Esq.
22	BOEHM, KURTZ & LOWRY
23	36 East Seventh Street, Suite 1510
24	Cincinnati, Ohio 45202
25	Ph: 513.421.2255; Fax: 513.421.2764
26	<u>kboehm@bkllawfirm.com</u>
27	jkylercohn@bklawfirm.com
28	
29	Counsel for Kimberly-Clark
30	Corporation