

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

**In the Matter of:**

<b>ELECTRONIC TARIFF FILING OF BIG RIVERS</b>	)	<b>Case No.</b>
<b>ELECTRIC CORPORATION AND KENERGY</b>	)	<b>2023-00312</b>
<b>CORP. TO REVISE THE LARGE INDUSTRIAL</b>	)	
<b>CUSTOMER STANDBY SERVICE TARIFF</b>	)	

**BIG RIVERS ELECTRIC CORPORATION  
AND KENERGY CORP.'S  
EMERGENCY MOTION TO RESCHEDULE HEARING**

Big Rivers Electric Corporation (“Big Rivers”) and Kenergy Corp. (“Kenergy”) (collectively, the “Movants”), by counsel, file their emergency motion to reschedule the Commission’s April 2, 2024 hearing in this matter. In support of their motion, the Movants state that multiple participants have previously-scheduled conflicts that week, and Movants would appreciate a short continuance so that each may attend and participate in the hearing. Due to the hearing publication requirements of applicable law, Movants respectfully request an expedited ruling on this motion no later than March 18, 2024.

On Friday, March 8, the Commission issued an order scheduling a hearing in this matter for April 2. Upon reviewing the Commission’s order, Movants realized that they have multiple conflicts where participants will be out of town on that day. Specifically, the following four individuals have each already scheduled vacations for the first week of April, including April 2.

- Tim Lindahl, CEO of Kenergy, has a previously scheduled vacation that conflicts with the scheduled hearing date. He will be out of the office the week of April 1 through 5.
- John Wolfram, a consultant to Big Rivers and Kenergy, sponsored responses to data requests in this case and has a previously scheduled vacation that conflicts with the scheduled hearing date. He will be out of the office the week of April 1 through 8.
- Tyson Kamuf, General Counsel to Big Rivers, has a previously scheduled vacation that conflicts with the scheduled hearing date. He will be out of the office the week of April 1 through 5.

- Edward T. Depp, outside counsel to Big Rivers, has a previously scheduled vacation that conflicts with the scheduled hearing date. He will be out of the office the week of April 1 through 5.

The Commission's online hearing calendar reflects that there are no hearings presently set for the period between April 9 and April 25 (inclusive). Consequently, Movants respectfully request that the Commission continue the hearing in this matter to a date within that timeframe so that the above-referenced individuals will be able to attend. Movants state that this motion is not made for purposes of delay, and no party will be prejudiced by such a short continuance.<sup>1</sup>

Due to the time-sensitive nature of the hearing publication notice requirements set out in 807 KAR 5:001 Sec. 9(2)(b), Movants respectfully request an expedited ruling on this motion. In order to publish timely notice in newspapers at least seven (7) days before the Commission's scheduled hearing, Movants must generally submit their notice to weekly-published newspapers at least one week in advance of the planned publication date. Consequently, if hearing publication notice is to be effective, notice must generally be provided to some newspapers no later than Tuesday, March 19. Therefore, Big Rivers and Kenergy request that the Commission rule on this motion by Monday, March 18, 2024.

WHEREFORE Movants respectfully request as follows:

1. That the Commission find that Movants have stated good cause for a continuance of the April 2, 2024 hearing in this matter;
2. That the Commission reschedule its April 2, 2024 hearing to a date certain between April 9 and April 25; and
3. That the Commission issue an order to that effect by March 18, 2024.

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<sup>1</sup> Movants would be willing to participate in a brief scheduling conference with Staff if that would facilitate scheduling of a potential continuance date.

On this 11th day of March, 2024.

Respectfully submitted,

/s/ Edward T. Depp  
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**Certification**

I hereby certify that a copy of this filing has been served electronically on all parties of record through the use of the Commission's electronic filing system, and there are currently no parties that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ Edward T. Depp  
*Counsel to Big Rivers Electric Corporation*

Enclosures