



COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

**AN ELECTRONIC EXAMINATION OF THE
APPLICATION OF THE FUEL ADJUSTMENT CLAUSE
OF BIG RIVERS ELECTRIC CORPORATION FROM
NOVEMBER 1, 2022 THROUGH OCTOBER 31, 2024**

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**Case No.
2025-00343**

**Responses to Commission Third Request for Information
dated March 5, 2026**

FILED: March 20, 2026

BIG RIVERS ELECTRIC CORPORATION

**AN ELECTRONIC EXAMINATION OF THE APPLICATION OF THE FUEL
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VERIFICATION

I, Mark Bertram, verify, state, and affirm that the data request responses filed with this verification for which I am listed as a witness are true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry.



Mark Bertram

COMMONWEALTH OF KENTUCKY)

COUNTY OF DAVIESS)

19th SUBSCRIBED AND SWORN TO before me by Mark Bertram. on this the
day of March 2026.



Notary Public, Kentucky State at Large

Kentucky ID Number KYNP33629

My Commission Expires August 30, 2029

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1 **Item 1)** *Regarding the repeal of the "Endangerment Finding" in Section 202(a)*
2 *of the Clean Air Act:*

3 a. *Explain how its repeal affects BREC's current and future planning in its*
4 *environmental compliance strategy.*

5 b. *Explain how its repeal affects BREC's current and future operating*
6 *strategy.*

7 c. *Explain whether its repeal affects BREC's current and future planning*
8 *as it relates to controls for any pollutant limitations listed in the National Ambient*
9 *Air Quality Standards (NAAQS).*

10 d. *If not discussed above, explain whether BREC is aware of any pending*
11 *relaxation of environmental control standards that may affect its current level of*
12 *compliance related to fossil fuel generation.*

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14 **Response:**

15 a. The Repeal does not impact BREC's current or future planning compliance
16 strategy because the Repeal pertains to Section 202(a) of the Clean Air Act (CAA)
17 regarding EPA's authority to prescribe motor vehicle emission standards for the

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1 purpose of addressing global climate change concerns. BREC's compliance
2 strategies rely on EPA's stationary source regulations, which are under a different
3 Title of the CAA (Title I). EPA has repeatedly stated that the Repeal only
4 addresses mobile source regulations and has severed its actions on other CAA
5 regulations in separate, future rulemakings. Proposed Repeal, 90 Fed. Reg. at
6 36298; Response to Comments at 13. The Repeal is "limited to the 2009
7 Endangerment Finding and related GHG emission standards promulgated under
8 CAA section 202(a)(1)." BREC is monitoring any changes in stationary source
9 regulations closely to determine future implications to its fossil fuel generating
10 fleet.

11 b. As stated above, the Repeal has no effect on BREC's current and future
12 operating strategy.

13 c. The recent repeal of the GHG endangerment finding does not affect
14 BREC's current and future planning as it relates to controls for any pollutant
15 limitations listed in the National Ambient Air Quality Standards (NAAQS).

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1 d. BREC is unaware of any pending relaxation of environmental control
2 standards that may affect our current level of compliance related to our fossil fuel
3 generating fleet, except for the following:

4 • On February 24, 2026, EPA finalized the repeal of the Mercury
5 & Air Toxics Rule revisions from 2024 (Final MATS Repeal Rule). The Final
6 MATS Repeal Rule revises the future filterable particulate matter limitation
7 that applies to D.B. Wilson Station;

8 • In addition, EPA has proposed repeals of other 2024 rules but
9 these rules are not final. They include: Proposed Repeal of the Section 111
10 Power Sector GHG Rule, Legacy CCR Rule CCRMU Amendments, and the
11 Steam Electric Effluent Guideline Reconsideration Rule.

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13 **Witness)** Mark Bertram