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**PUBLIC SERVICE  
COMMISSION**

**Via Overnight Mail**

February 5, 2010

Mr. Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

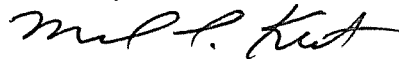
**Re: Case No. 2010-00043**

Dear Mr. Derouen:

Please find enclosed the original and twelve (12) copies each of the PETITION TO INTERVENE OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. filed in the above-referenced matter. By copy of this letter, all parties listed on the Certificate of Service have been served.

Please place this document of file.

Very Truly Yours,



Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY**

MLKkew

Attachment

cc: Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy by regular ordinary U.S. mail, unless other noted, this 5<sup>th</sup> day of February, 2010 to the following:

Douglas L Beresford  
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David G Crockett  
Vice President - System Operations  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024

Honorable James M Miller  
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P.O. Box 727  
Owensboro, KY 42302-0727

Albert Yockey  
Vice President Government Relations  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024



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Michael L. Kurtz, Esq.

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

In The Matter Of: The Application Of Big Rivers Corporation :  
For Approval To Transfer Functional Control Of Its : Case No. 2010-0043  
Transmission System To Midwest Independent Transmission :  
System Operator, Inc. :

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**PETITION TO INTERVENE OF  
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

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Pursuant to K.R.S. §278.310 and 807 KAR 5:001 Section 3(8), Kentucky Industrial Utility Customers, Inc. (“KIUC”) requests that it be granted full intervenor status in the above-captioned proceeding and states in support thereof as follows:

1. KIUC is an association of the largest electric and gas public utility customers in Kentucky. The purpose of KIUC is to represent the industrial viewpoint on energy and utility issues before this Commission and before all other appropriate governmental bodies.
2. The members of KIUC who purchase electricity from Big Rivers Electric Corporation (“Big Rivers”) through Kenergy Corp. who will participate herein are: Alcan Primary Products Corporation, Century Aluminum of Kentucky, General Partnership, Domtar Paper Co., LLC and Kimberly Clark Corporation. KIUC will supplement its Petition with the names of additional participating members as this information becomes known.
3. All KIUC member companies have a similar interest in ensuring that the rates charged by Big Rivers to Kenergy for pass-through to retail consumers are just and reasonable.
4. The matters being decided by the Commission in this case may have a significant impact on the rates paid by KIUC members for electricity. Electricity represents a significant cost of doing business for KIUC members. The attorneys for KIUC authorized to represent them in this proceeding and to take service of all documents are:

Michael L. Kurtz, Esq.  
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5. The position of KIUC cannot be adequately represented by any existing party. KIUC intends to play a constructive role in the Commission's decision making process herein and KIUC's participation will not unduly prejudice any party.

**WHEREFORE**, KIUC requests that it be granted full intervenor status in the above captioned proceeding.

Respectfully submitted,



Michael L. Kurtz, Esq.  
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**COUNSEL FOR KENTUCKY INDUSTRIAL UTILITY  
CUSTOMERS, INC.**



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**CO-COUNSEL FOR ALCAN PRIMARY PRODUCTS  
CORPORATION**

February 5, 2010