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September 28, 2012

Federal Express

Jeff DeRouen
Executive Director
Public Service Commission
211 Sower Boulevard, P.O. Box 615
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RECEIVED

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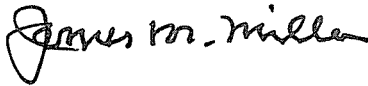
PUBLIC SERVICE
COMMISSION

Re: *In the Matter of: Application of Big Rivers Electric Corporation
for a Deviation, Case No. 2012-00401*

Dear Mr. DeRouen:

Enclosed are an original and ten copies of Big Rivers Electric Corporation's Motion to Dismiss. I certify that a copy of this letter and motion have been served on each person shown on the attached service list.

Sincerely yours,



James M. Miller

JMM/ej
Enclosures

cc: Billie Richert
Albert Yockey
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PSC CASE NO. 2012-00401

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1 COMMONWEALTH OF KENTUCKY
2 BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY
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4

5 In the Matter of:

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7 Application of Big Rivers Electric Corporation)
8 for a Deviation) Case No. 2012-00401
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11 **MOTION TO DISMISS**
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14 Comes Big Rivers Electric Corporation (“*Big Rivers*”), through counsel, and moves to
15 dismiss this case. This matter is pending on the motion of Big Rivers for relief from the
16 requirement in Ordering Paragraph No. 8 in the November 17, 2011, order in the *Application of*
17 *Big Rivers Electric Corporation for a General Adjustment in Rates*, P.S.C. Case No. 2011-00036
18 (the “*November 17 Order*”), which requires that Big Rivers perform a new depreciation study in
19 connection with the filing of its next rate case.

20 Big Rivers states in its motion for a deviation that on August 20, 2012, it received notice
21 that Century Aluminum of Kentucky General Partnership (“*Century*”) would terminate its retail
22 electric service agreement in one year. This requires Big Rivers to prepare and file a rate case by
23 the end of 2012 seeking to adjust its revenues to replace the revenues that will be lost by the
24 termination of the Century retail electric service agreement on August 20, 2013. As of the date
25 of Big Rivers’ motion for a deviation, August 29, 2012, Big Rivers had concluded that it likely
26 could not evaluate and select a consultant to perform the depreciation study, and complete all the
27 steps required to include the depreciation study results in its rate case filing within the time
28 available.

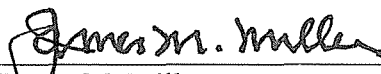
29 Since August 29, 2012, Big Rivers has worked diligently to obtain requests for proposals
30 from consultants, to evaluate those proposals, and to determine whether, in fact, a new

1 depreciation study can be completed and approved in time to be filed with the new rate case, as
2 is required by the terms of the November 17 Order. Big Rivers is pleased to report that it now
3 believes this can be accomplished, and that the deviation requested in Big Rivers' motion is no
4 longer required. For this reason, Big Rivers requests that the Commission dismiss this case,
5 including Big Rivers' motion for a deviation.

6 WHEREFORE, Big Rivers moves that the Commission enter an order dismissing this
7 case, and granting Big Rivers all other relief to which it may appear entitled.

8 Respectfully submitted, this 28th day of September 2012.

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