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SEP 10 2019

PUBLIC SERVICE  
COMMISSION

**Via Overnight Mail**

September 9, 2019

Gwen R. Pinson, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

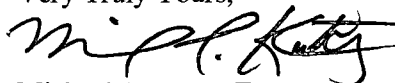
**Re: Case No. 2019-00269**

Dear Ms. Pinson:

Please find enclosed the original (unbound) and ten (10) copies of the REPLY OF BIG RIVERS ELECTRIC CORPORATION for filing 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.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, 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 electronic mail (when available) or by regular, U.S. mail, unless other noted, this 9<sup>TH</sup> day of September, 2019 to the following:



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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

SEP 10 2019  
PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

THE APPLICATION OF BIG RIVERS )  
ELECTRIC CORPORATION FOR ) CASE NO. 2019-00269  
ENFORCEMENT OF RATE AND )  
SERVICE STANDARDS )

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REPLY OF BIG RIVERS ELECTRIC CORPORATION

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Pursuant to 807 KAR 5:001, Sections 5(3) and 9(4), Big Rivers Electric Corporation (“Big Rivers”) submits this Reply to the out-of-time Response of City of Henderson, Kentucky, and Henderson Utility Commission, d/b/a Henderson Municipal Power & Light’s (collectively, “Henderson”) to Big Rivers’ Motion for Informal Conference. Henderson’s Response asserts that: 1) an informal conference is premature since the discovery process has not yet been completed in this case; and 2) while willing to entertain new settlement proposals, Henderson is skeptical that any settlement discussions would be productive.

Neither of these assertions warrant a denial of Big Rivers’ Motion. Nothing in the Kentucky Public Service Commission’s (“Commission”) rule regarding informal conferences bars the Commission from holding that conference prior to the completion of the discovery process. Rather, the rule provides for informal conferences at any point in a case precisely in order to avoid or reduce the need for extended litigation (as well as the significant costs associated with that litigation). Specifically, 807 KAR 5:001, Section 9(4) provides that such conferences are to be held “*for the purpose of considering the possibility of settlement, the simplification or clarification of issues, or any other matter that may aid in the handling and disposition of the case.*” Given that the rule seeks to expedite, rather than delay the resolution of Commission proceedings, it would be unreasonable to unnecessarily postpone the informal conference until

sometime after the parties have already incurred the substantial costs associated with the discovery process. Moreover, an informal conference may reduce amount of discovery ultimately produced in this matter, further justifying the need to hold that conference soon.

Henderson's skepticism regarding the possibility of a settlement does not lessen the need for an informal conference. Even if any settlement discussions that may occur at the conference are unsuccessful, Commission Staff and all parties to this matter would have an opportunity to ask clarifying questions and to agree upon a procedural approach that will facilitate a quicker resolution of the issues involved. Accordingly, the Commission should grant Big Rivers' Motion.

Respectfully submitted,

/s/ Tyson Kamuf (w/permission)  
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