

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS	)	CASE NO.
ELECTRIC CORPORATION FOR APPROVAL OF	)	2020-00183
SOLAR POWER CONTRACTS	)	

ORDER

On June 24, 2020, Big Rivers Electric Corporation (BREC) filed an application requesting approval under KRS 278.300, if applicable, for three power purchase agreements in which BREC would purchase the entire outputs of three solar generation facilities to be located in western Kentucky with all three agreements involving 20 year terms. To the extent that KRS 278.300 applies to these agreements, KRS 278.300(2) requires that a decision be issued within 60 days from the date of the filing of the application. The statute also allows the Commission to extend the statutory period beyond the 60 days upon a finding of good cause. The Commission finds that it cannot complete an investigation of the proposed purchase power agreements within 60 days of June 24, 2020. Accordingly, the Commission finds that good cause exists to continue the instant application beyond the 60 days specified in KRS 278.300(2). The Commission further finds that a procedural schedule should be developed for the orderly processing of this matter.

IT IS THEREFORE ORDERED that:

1. BREC's application is continued beyond the 60 days specified in KRS 278.300(2).

2. The procedural schedule set forth in the Appendix to this Order shall be followed in this proceeding.

3. a. The Commission directs BREC to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency. Responses to requests for information shall be appropriately bound, tabbed and indexed, with the original and an electronic version to the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8, and shall file with the Commission an original and an electronic version. The original shall be appropriately bound, tabbed, and indexed.

5. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with

specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene filed after the date in the procedural schedule attached to this Order shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

6. BREC shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, [psc.ky.gov](http://psc.ky.gov)." At the time publication is requested, BREC shall forward a duplicate of the notice and request to the Commission.

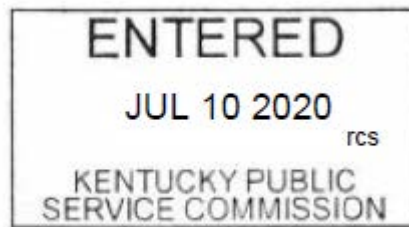
7. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

8. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

9. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

10. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission



ATTEST:



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Acting Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2020-00183 DATED JUL 10 2020

Last day for intervention requests to be accepted.....07/27/20

All initial requests for information to BREC shall  
be filed no later than..... 08/10/20

BREC shall file responses to initial requests for  
information no later than.....08/24/20

All supplemental requests for information to BREC  
shall be filed no later than ..... 09/08/20

BREC shall file responses to supplemental requests  
for information no later than ..... 09/22/20

Intervenor testimony, if any, in verified prepared  
form shall be filed no later than ..... 10/05/20

All requests for information to Intervenors shall  
be filed no later than..... 10/19/20

Intervenors shall file responses to requests for  
information no later than..... 11/02/20

BREC shall file, in verified form, its rebuttal  
testimony no later than ..... 11/16/20

Last day for BREC to publish notice of hearing ..... To be scheduled

Public Hearing to be held in Hearing Room 1  
of the Commission’s offices at 211 Sower Boulevard,  
Frankfort, Kentucky, for the purpose of cross-examination  
of witnesses of BREC and Intervenors..... To be scheduled

Post-Hearing Briefs, if any..... To be scheduled

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