

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS)	CASE NO.
ELECTRIC CORPORATION FOR)	2021-00378
ENFORCEMENT OF COMMISSION ORDER)	

NOTICE OF FILING

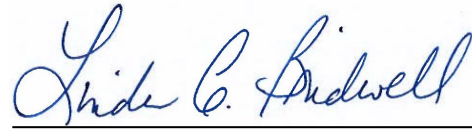
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on November 29, 2021 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- A written log listing, inter alia, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on November 29, 2021.

A copy of this Notice, the certification of the digital video record, and hearing log have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at <https://youtu.be/RJi9hb1TupE>.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 21st day of December 2021.

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is written in a cursive style with a large initial 'L' and a distinct 'C'.

Linda C. Bridwell
Executive Director
Public Service Commission of Kentucky

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CERTIFICATION

I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on November 29, 2021. The Formal Hearing Log is included with the recording on November 29, 2021;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of November 29, 2021; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of November 29, 2021, and the time at which each occurred.

Signed this 10th day of December, 2021.



Candace H. Sacre
Administrative Specialist III



Stephanie Schweighardt
Notary Public State at Large ID#: 614400
Commission Expires: January 14, 2023



Date:	Type:	Location:	Department:
11/29/2021	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Marianne Butler; Kent Chandler; Amy Cabbage
Clerk: Candace Sacre

Event Time	Log Event	
9:07:25 AM	Session Started	
9:07:55 AM	Chairman Chandler Note: Sacre, Candace	Good morning. We are on the record in Case No. 2021-00378, Big Rivers Electric Corporation's Application for the Enforcement of the Commission's August 2, 2021 Order in Case No. 2019-00269 pursuant to KRS 278.390.
9:08:18 AM	Chairman Chandler Note: Sacre, Candace	My name is Kent Chandler. I am Chairman of the Public Service Commission and will be presiding today. Joining me today are Vice Chair Amy Cabbage and Commissioner Marianne Butler.
9:08:31 AM	Chairman Chandler Note: Sacre, Candace	COVID and videoconferencing recommendations. (Click on link for further comments.)
9:09:27 AM	Chairman Chandler Note: Sacre, Candace	The hearing today is for the purpose of addressing Henderson's Motion to Intervene.
9:09:32 AM	Chairman Chandler Note: Sacre, Candace	Entry of appearance of counsel, identify witnesses.
9:09:48 AM	Atty Kurtz BREC Note: Sacre, Candace	Mike Kurtz, Tyson Kamuf, Kurt Boehm, and Jody Kyler Cohn, if necessary we have Bob Berry and Paul Smith as witnesses.
9:10:28 AM	Atty Redding Henderson Note: Sacre, Candace	Randall Redding, along with Sharon Farmer, Virginia Snell, John Hughes, and Clay Larkin, and not anticipate call witnesses but see Brad Bickett and Chris Heimgartner.
9:11:55 AM	Staff Atty Bellamy PSC Note: Sacre, Candace	Ben Bellamy.
9:12:11 AM	Chairman Chandler Note: Sacre, Candace	Order, on motion to reschedule, purpose of hearing to take evidence and argument, as necessary, Motion to Intervene, expectation factual witnesses to support assertions, do not have witnesses?
9:12:55 AM	Atty Redding Henderson Note: Sacre, Candace	We do not.
9:13:02 AM	Chairman Chandler Note: Sacre, Candace	Prepared to address motion?
9:13:13 AM	Atty Kurtz BREC Note: Sacre, Candace	Yes.
9:13:15 AM	Chairman Chandler Note: Sacre, Candace	Additional motions? (Click on link for further comments.)
9:14:41 AM	Chairman Chandler Note: Sacre, Candace	Prepared to speak on motion? (Click on link for further comments.)

9:15:14 AM	Chairman Chandler Note: Sacre, Candace	You and Mr. Hughes practiced before Commission, standard for motion to intervene, under which of two prongs Henderson moving to intervene? (Click on link for further comments.)
9:17:43 AM	Vice Chairman Cabbage Note: Sacre, Candace	Mr. Redding, did you ask for stay of any Orders in Franklin Circuit? (Click on link for further comments.)
9:17:55 AM	Vice Chairman Cabbage Note: Sacre, Candace	Why? (Click on link for further comments.)
9:19:02 AM	Vice Chairman Cabbage Note: Sacre, Candace	Presented that issue to Franklin Circuit at all, issue of BREC and underlying costs? (Click on link for further comments.)
9:20:00 AM	Vice Chairman Cabbage Note: Sacre, Candace	Then begs question, appropriate ask Franklin Circuit for stay? (Click on link for further comments.)
9:20:28 AM	Chairman Chandler Note: Sacre, Candace	Thrown off by this, BREC application is asking Commission to do something could do sua sponte, first notice when filed for enforcement Franklin Circuit Court, statutory authority. (Click on link for further comments.)
9:22:25 AM	Vice Chairman Cabbage Note: Sacre, Candace	Did you not argue in Franklin Circuit that this was appropriate forum? (Click on link for further comments.)
9:23:22 AM	Vice Chairman Cabbage Note: Sacre, Candace	Is that relief being sought here? Relief, as understand and Chairman stated, something could just do, Franklin Circuit and ask for enforcement, not asked for new orders. (Click on link for further comments.)
9:26:10 AM	Chairman Chandler Note: Sacre, Candace	If this case turned into mechanism by which Commission numbers put to Order in 2019-00269, if turns into that, appreciate argument purported special interest. If case merely about statutory authority to seek enforcement orders already entered, where leave Henderson? (Click on link for further comments.)
9:28:31 AM	Chairman Chandler Note: Sacre, Candace	Motion to Intervene Henderson filed, page 3 of 5, reading (click on link for further comments), appreciate seems to be case, but if Henderson arguing contract between BREC and Henderson not subject to jurisdiction of PSC, how contract create special interest support intervention of Henderson as party? (Click on link for further comments.)
9:30:11 AM	Chairman Chandler Note: Sacre, Candace	Saying while maintain those numbers not rates subject to Commission jurisdiction, intend to intervene to assert Henderson's rights as to validity of costs? (Click on link for further comments.)
9:31:54 AM	Chairman Chandler Note: Sacre, Candace	Additional questions?
9:32:05 AM	Chairman Chandler Note: Sacre, Candace	Mr. Kurtz?
9:32:08 AM	Atty Kurtz BREC Note: Sacre, Candace	Questions about stay, BREC stated will refund monies collected from City if end of appellate process Order found to be improper, unlawful, et cetera, can be no irreparable harm. As to procedure, from day one, envisioned decommissioning ongoing process. (Click on link for further comments.)

9:34:12 AM	Vice Chairman Cubbage Note: Sacre, Candace	What exactly asking us to do here? (Click on link for further comments.)
9:35:50 AM	Vice Chairman Cubbage Note: Sacre, Candace	Asking for new order? (Click on link for further comments.)
9:36:31 AM	Vice Chairman Cubbage Note: Sacre, Candace	Are then conceding Mr. Redding's point existing Order insufficient if went straight to Franklin Circuit? (Click on link for further comments.)
9:37:04 AM	Chairman Chandler Note: Sacre, Candace	Additional questions?
9:37:13 AM	Chairman Chandler Note: Sacre, Candace	Mr. Redding, subject to what expect be ongoing objection these not rates subject to Commission jurisdiction, Henderson supportive of separate docket whereby process BREC assert what costs allocatable according 2019-00269, Henderson conduct discovery, asserts rights what appropriate amounts are? (Click on link for further comments.)
9:39:47 AM	Chairman Chandler Note: Sacre, Candace	Any questions for Mr. Kurtz or Mr. Redding? (Click on link for further comments.)
9:40:00 AM	Chairman Chandler Note: Sacre, Candace	Mr. Kurtz, anything further? (Click on link for further comments.)
9:40:04 AM	Chairman Chandler Note: Sacre, Candace	Mr. Redding, anything further? (Click on link for further comments.)
9:40:10 AM	Chairman Chandler Note: Sacre, Candace	Take arguments and motion under advisement, except for Motion to Intervene remainder of case waiting, seek additional relief do so in writing.
9:40:44 AM	Chairman Chandler Note: Sacre, Candace	Hearing adjourned.
9:41:29 AM	Session Ended	

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