## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KIMBERLY-CLARK CORPORATION	)	
COMPLAINANT	)	CASE NO.
V.	)	2023-00063
BIG RIVERS ELECTRIC CORPORATION AND KENERGY CORP.	) ) )	
DEFENDANTS	)	

## ORDER

On February 20, 2023, Kimberly-Clark Corporation (Kimberly-Clark) filed a formal complaint alleging Big Rivers Electric Corporation (BREC) and Kenergy Corp. (Kenergy) had incorrectly applied the fuel adjustment clause (FAC) and Non-Smelter Non-FAC Purchase Power Adjustment (PPA) charges when calculating its bills when taking service under the Large Industrial Customer Standby Service (LICSS) tariff. On March 7, 2023, the Commission entered an Order requiring BREC and Kenergy to answer the complaint filed by Kimberly-Clark. On March 20, 2023, BREC and Kenergy filed a response and acknowledged Kimberly-Clark had been overcharged, stated attempts were being made to create a solution to the billing issue, and requested additional time to reach an agreement about how to calculate the amount of the refund with Kimberly-Clark's input.

Based upon the record, the Commission finds BREC and Kenergy's motion should be granted. The Commission will allow the parties an additional 60 days from the service of this Order to determine the method and the amount of refund owed to Kimberly-Clark.

If the parties cannot reach an agreement about the method to calculate the refund, or the refund amount, the Commission will hold a hearing to determine the method to be used to calculate the refund and the amount of the refund. In Case No. 2021-00289, the Commission only approved the LICSS tariff on a pilot basis.<sup>1</sup> The Commission will take into consideration the problems BREC has noted in calculating bills under the current LICSS tariff and any revisions to the tariff that will alleviate this problem when reviewing BREC's updated LICSS tariff filing.

## IT IS THEREFORE ORDERED that:

- 1. BREC and Kenergy's motion to allow the parties additional time to reach an agreement is granted.
- 2. The parties shall have 60 days from the service of this Order to determine the method to be used to calculate the refund and the amount of refund owed to Kimberly-Clark.
  - 3. Any agreement reached shall be filed in the case record.

Case No. 2023-00063

<sup>&</sup>lt;sup>1</sup> Case No. 2021-00289, Electronic Tariff Filing of Big Rivers Electric Corporation and Kenergy Corp. to Implement a New Standby Service Tariff, March 3, 2022 Order (Ky. PSC Mar. 3, 2022).

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairran

Commissioner

**ENTERED** 

APR 14 2023 rcs

KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

Executive Director

\*J. Christopher Hopgood Dorsey, Gray, Norment & Hopgood 318 Second Street Henderson, KENTUCKY 42420 \*Tyson Kamuf Corporate Attorney Big Rivers Electric Corporation 710 West 2nd Street P. O. Box 20015 Owensboro, KY 42304

\*Jody Kyler Cohn Boehm, Kurtz & Lowry 36 East Seventh Street Suite 1510 Cincinnati, OHIO 45202

\*Honorable Kurt J Boehm Attorney at Law Boehm, Kurtz & Lowry 36 East Seventh Street Suite 1510 Cincinnati, OHIO 45202

\*Kenergy Corp. 6402 Old Corydon Road P. O. Box 18 Henderson, KY 42419

\*Jeff Hohn Kenergy Corp. 6402 Old Corydon Road P. O. Box 18 Henderson, KY 42419

\*Big Rivers Electric Corporation 710 West 2nd Street P. O. Box 20015 Owensboro, KY 42304

\*Senthia Santana Big Rivers Electric Corporation 710 West 2nd Street P. O. Box 20015 Owensboro, KY 42304