

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF BIG RIVERS)	
ELECTRIC CORPORATION AND KENERGY)	CASE NO.
CORP. TO REVISE THE LARGE INDUSTRIAL)	2023-00312
CUSTOMER STANDBY SERVICE TARIFF)	

ORDER

On September 1, 2023, Big Rivers Electric Corporation (BREC) filed a revised Large Industrial Customer Standby Service (LICSS) tariff as directed by the Commission in Case No. 2021-00289¹ with a proposed effective date of October 1, 2023. On September 11, 2023, Kenergy Corp. (Kenergy) filed its revised LICSS tariff to mirror the revisions proposed by BREC. Kenergy proposed an effective date of October 11, 2023.

Kimberly-Clark Corporation (Kimberly-Clark) filed letters that requested the Commission suspend BREC's and Kenergy's proposed LICSS tariff and stated that it will file a motion to intervene if an investigation is opened by the Commission. Domtar Paper Company, LLC (Domtar) filed motions to intervene in the BREC and Kenergy tariff filings. A copy of the Kimberly-Clark letters and Domtar motions to intervene is included as Appendix B to this Order.

KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. Having reviewed the proposed tariffs and being otherwise sufficiently advised, the Commission finds that

¹ Case No. 2021-00289, *Electronic Tariff Filing of Big Rivers Electric Corporation and Kenergy Corp. to Implement a New Standby Service Tariff* (Ky. PSC Mar. 3, 2023).

an investigation is necessary to determine the reasonableness of the proposed tariffs and that such investigation cannot be completed by October 1, 2023. Pursuant to KRS 278.190(2), the Commission will, therefore, suspend the effective date of the proposed tariffs for five months, up to and including February 29, 2024.

The Commission directs BREC and Kenergy (collectively, Joint Applicants) to the Commission's July 22, 2021 Order in Case No. 2020-00085² in which the Commission mandated the use of electronic filing procedures listed in 807 KAR 5:001, Section 8. The Commission finds that electronic filing procedures is used, consistent with the filing procedures set forth in Case No. 2020-00085.

The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed tariffs. The procedural schedule is attached as Appendix A to this Order.

Based upon the subject matter of the proposed tariffs, the Commission finds the entirety of the previous LICSS tariff proceedings that have been investigated by the Commission in Case Nos. 2021-00289, 2023-00017, and 2023-00063 should be incorporated into this proceeding.³ Additionally, the Commission finds that the Joint Applicants should be given an opportunity to respond to the request for intervention by Domtar.

² Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

³ See Case No. 2021-00289, *Electronic Tariff Filing of Big Rivers Electric Corporation and Kenergy Corp. to Implement a New Standby Service Tariff*; Case No. 2023-00017, *Domtar Paper Company, LLC v. Big Rivers Electric Corporation and Kenergy Corp.*; and Case No. 2023-00063, *Kimberly-Clark Corporation v. Big Rivers Electric Corporation and Kenergy Corp.*

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of the proposed tariffs.
2. BREC's proposed tariff is suspended for five months from October 1, 2023, up to and including February 29, 2024.
3. Kenergy's proposed tariff is suspended for five months from October 11, 2023, up to and including March 10, 2024.
4. BREC shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel.
5. Kenergy shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel.

6. BREC may respond to the motion for intervention filed on behalf of Domtar within seven days of the date of entry of this Order.

7. Kenergy may respond to the motion for intervention filed on behalf of Domtar within seven days of the date of entry of this Order.

8. The entirety of Case Nos. 2021-00289, 2023-00017, and 2023-00063 shall be incorporated into this proceeding.

9. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

10. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of the date of service of this Order, Joint Applicants shall file by electronic means a written statement that it waives any right to service of Commission Orders by United States mail and that it or its authorized agent possess the facilities to receive electronic submissions.

11. Unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means; and

b. Within seven days of the date of service of an order of the Commission granting intervention, file with the Commission a written statement that:

(1) It or its authorized agent possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

12. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001, Section 4(8).

13. The procedural schedule set forth in Appendix A to this Order shall be followed.

14. Joint Applicants shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

15. 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. 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 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 the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

16. Any motion to intervene after the date established in the procedural schedule 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.

17. Joint Applicants 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 the hearing shall include the following statements: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov" and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time publication is requested, Joint Applicants shall forward a duplicate of the notice and request to the Commission.

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

19. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

20. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

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

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

23. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

24. The Executive Director shall serve a copy of this Order upon Kimberly-Clark and Domtar.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner



ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00312 DATED SEP 27 2023

- Requests for intervention shall be filed no later than 10/06/2023
- Initial requests for information to Joint Applicants
shall be filed no later than 10/13/2023
- Joint Applicants shall file responses to
initial requests for information no later than.....10/27/2023
- All supplemental requests for information to Joint Applicants
shall be filed no later than 11/13/2023
- Joint Applicants shall file responses to supplemental requests
for information no later than 11/27/2023
- Intervenor testimony, if any, in verified prepared
form shall be filed no later than..... 12/04/2023
- All requests for information to Intervenors shall
be filed no later than..... 12/18/2023
- Intervenors shall file responses to requests for
information no later than..... 01/02/2024
- Joint Applicants shall file, in verified form, its rebuttal
testimony no later than.....01/09/2024
- Joint Applicants or any Intervenor shall request either a
hearing or that the case be submitted for decision
based on the record no later than.....01/16/2024

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00312 DATED SEP 27 2023

TWELVE PAGES TO FOLLOW

September 8, 2023

VIA EMAIL PSCED@KY.GOV

Ms. Linda C. Bridwell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

Re: *September 1, 2023 Large Industrial Customer Standby Service (“LICSS”) Tariff
Filing by Big Rivers Electric Corporation (“BREC”), TFS2023-00391*

Dear Ms. Bridwell:

Our client, Kimberly-Clark Corporation (“Kimberly-Clark”), respectfully requests that the Public Service Commission (“Commission”) suspend BREC’s LICSS tariff filed on September 1, 2023, with an October 1, 2023, effective date, and open a proceeding so that the parties can engage in discovery and present relevant facts and issues relating to BREC’s proposed LICSS tariff. The Commission is aware that Kimberly-Clark intervened in Case No. 2021-00289, which involved an attempt by Big Rivers Electric Corporation (“BREC”) to gain approval of a proposed Large Industrial Customer Standby Service (“LICSS”) tariff dated June 24, 2021 (the “2021 Tariff”). As proposed, the 2021 Tariff would apply to back-up and maintenance service received by Kimberly-Clark from Kenergy Corp., the electric distribution cooperative serving Kimberly-Clark. Kimberly-Clark is one of the largest end-use customers located in the BREC service territory and recently incurred the expense of installing an approximately 14 MW natural gas turbine cogeneration unit at its Owensboro facility. However, the proposed 2021 Tariff did not address Kimberly-Clark’s situation in a manner that was fair, just and reasonable, so Kimberly-Clark objected on several grounds.

Noting that the 2021 Tariff was not an “ideal solution,” the Commission temporarily approved the 2021 Tariff on a pilot basis with direction to BREC to file by September 1, 2023 an amended LICSS tariff with “forward looking rates that are fair, just and reasonable.” March 3, 2022 Order at p. 25, Case No. 2021-00289. In its final order, the Commission provided explicit direction to BREC on aspects of the proposed 2021 Tariff that should be revised in the amended LICSS tariff. *See generally id.*

The Commission clearly contemplated that the revised LICSS tariff would be discussed by the parties and fully considered by the Commission upon filing. *Id.* at p. 25

(“With the guidance provided in this Order, the interim time period will provide the parties time to continue discussions and BREC time to take into account possible changes at MISO and to design forward looking rates that are fair, just and reasonable.”) *See also* March 9, 2023 Domtar Order at *3, Case No. 2023-00017 (stating in the Domtar proceeding that “[w]hen BREC and Kenergy make the required [2023 T]ariff filing, Kimberly-Clark will be given the opportunity to intervene.”) However, BREC made no attempt at “continued discussions” as contemplated by the Commission. Instead, BREC waited until two weeks before the filing deadline to send a copy of the proposed 2023 Tariff to Kimberly-Clark, and then declined to enter into discussions. Accordingly, Kimberly-Clark has had no input whatsoever into the terms of the proposed 2023 Tariff.

In the Commission’s order resolving the Domtar proceeding—which allowed Domtar to operate under an existing contract until BREC issued its revised LICSS—the Commission specifically stated that it “will allow Domtar and Kimberly-Clark [] to intervene as parties when [this] case is established and permit the companies to also file cost support and testimony regarding their position.” *See* March 27, 2023 Domtar Order at *5, Case No. 2023-00017.

Accordingly, Kimberly-Clark respectfully requests that the Commission suspend the 2023 Tariff and open a proceeding so the parties can establish that BREC’s proposed revisions have failed to address the Commission’s concerns and would not result in a tariff that is fair, just and reasonable. Kimberly-Clark will move to intervene once this proceeding is opened by the Commission.

Kimberly-Clark’s request is particularly important given that the revised version of the LICSS tariff that BREC filed on September 1, 2023 (the “2023 Tariff”) largely ignores key concerns identified by the Commission in its March 3, 2022 Order. For example, the Commission held that “in future filings, it is inappropriate to bundle the pricing of LICSS Maintenance Power Service and Backup Power Service. These different services should be offered separately, and the rates should be set such that the appropriate embedded and incremental costs associated with each of the services are recognized and accounted for appropriately.” March 3, 2022 Order at p. 20. Yet the 2023 Tariff inexplicably fails to separate these different services. Indeed, the 2023 Tariff effectively pretends that maintenance service does not exist. *See* Redline Version of 2023 Tariff (removing previous references and provisions addressing maintenance service, scheduling, and demand). Kimberly-Clark expects to raise other areas of concern with respect to the proposed 2023 Tariff in the proceeding.

The 2021 Tariff has already resulted in significantly increased costs to Kimberly-Clark and has negatively impacted the economical operation of Kimberly-Clark’s new cogeneration system, and the 2023 Tariff will worsen this adverse impact. As the Commission has already recognized in the related Domtar proceeding, it is important to open a proceeding so that Kimberly-Clark can present facts and raise issues establishing, among other things, the significant flaws in the 2023 Tariff and its unfair economic impact on customers that have self-generation capacity.

Thank you for your consideration of Kimberly-Clark's request for the Commission to suspend BREC's LICSS tariff filed on September 1, 2023, and open a proceeding so that the parties can engage in discovery and present relevant facts and issues relating to the proposed LICSS tariff.

Sincerely,



Daniel E. Danford
Counsel for Kimberly-Clark Corporation
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cc:

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Cynthia Santana sentia.santana@bigrivers.com
Big Rivers Electric Corporation

Jay Hopgood chopgood@dkgnlaw.com
Kenergy Corp.

Michael Kurtz mkurtz@bkllawfirm.com
Jody Kyler Cohn jkylercohn@bkllawfirm.com
Domtar Paper Company, LLC

September 14, 2023

VIA EMAIL PSCED@KY.GOV

Ms. Linda C. Bridwell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O Box 615
Frankfort, Kentucky 40602-0615

Re: *September 8, 2023 Large Industrial Customer Standby Service Tariff
Filing by Kenergy Corp.*

Dear Ms. Bridwell:

On September 8, 2023, our client, Kimberly-Clark Corporation (“Kimberly-Clark”), requested that the Public Service Commission (“Commission”) suspend the proposed Large Industrial Customer Standby Service (“LICSS”) tariff filed on September 1, 2023 by Big Rivers Electric Corporation (“BREC”), which has an October 1, 2023, effective date. Kimberly-Clark also urged the Commission to open a proceeding so that the parties can engage in discovery and present relevant facts and issues relating to BREC’s proposed LICSS tariff.

Kenergy has now filed its September 8, 2023 LICSS tariff, which has an effective date of October 11, 2023 and, according to its cover letter, “mirrors the one filed by Big Rivers Electric Corporation.” Accordingly, Kimberly-Clark respectfully requests that the Commission likewise suspend Kenergy’s September 8, 2023 LICSS tariff and open a proceeding so that the parties can engage in discovery and present relevant facts and issues relating to the LICSS tariffs proposed by BREC and Kenergy.

The Commission is aware that Kimberly-Clark intervened in Case No. 2021-00289, which involved an attempt by BREC to gain approval of a proposed LICSS tariff dated June 24, 2021 (the “2021 Tariff”). As proposed, the 2021 Tariff would apply to back-up and maintenance service received by Kimberly-Clark from Kenergy, the electric distribution cooperative serving Kimberly-Clark. Kimberly-Clark is one of the largest end-use customers located in the BREC service territory and recently incurred the expense of installing an approximately 14 MW natural gas turbine cogeneration unit at its Owensboro facility. However, the proposed 2021 Tariff did not address Kimberly-Clark’s situation in a manner that was fair, just and reasonable, so Kimberly-Clark objected on several grounds.

Noting that the 2021 Tariff was not an “ideal solution,” the Commission temporarily approved the 2021 Tariff on a pilot basis with direction to BREC to file by September 1, 2023 an amended LICSS tariff with “forward looking rates that are fair, just and reasonable.” March 3, 2022 Order at p. 25, Case No. 2021-00289. In its final order, the Commission provided explicit direction to BREC on aspects of the proposed 2021 Tariff that should be revised in the amended LICSS tariff. *See generally id.*

The Commission clearly contemplated that the revised LICSS tariff would be discussed by the parties and fully considered by the Commission upon filing. *Id.* at p. 25 (“With the guidance provided in this Order, the interim time period will provide the parties time to continue discussions and BREC time to take into account possible changes at MISO and to design forward looking rates that are fair, just and reasonable.”) *See also* March 9, 2023 Domtar Order at *3, Case No. 2023-00017 (stating in the Domtar proceeding that “[w]hen BREC and Kenergy make the required [2023] tariff filing, Kimberly-Clark will be given the opportunity to intervene.”) However, BREC made no attempt at “continued discussions” as contemplated by the Commission. Instead, BREC waited until two weeks before the filing deadline to send a copy of its proposed 2023 LICSS tariff to Kimberly-Clark, and then declined to enter into discussions. Accordingly, Kimberly-Clark has had no input whatsoever into the terms of BREC’s proposed 2023 LICSS tariff. The same is true for Kenergy’s proposed tariff.

In the Commission’s order resolving the Domtar proceeding—which allowed Domtar to operate under an existing contract until BREC issued its revised LICSS—the Commission specifically stated that it “will allow Domtar and Kimberly-Clark [] to intervene as parties when [this] case is established and permit the companies to also file cost support and testimony regarding their position.” *See* March 27, 2023 Domtar Order at *5, Case No. 2023-00017.

Accordingly, Kimberly-Clark respectfully requests that the Commission suspend the 2023 LICSS tariffs filed by BREC and Kenergy and open a proceeding so the parties can establish that the proposed revisions have failed to address the Commission’s concerns and would not result in a tariff that is fair, just and reasonable. Kimberly-Clark will move to intervene once this proceeding is opened by the Commission.


Kimberly-Clark’s request is particularly important given that the revised versions of the LICSS tariffs filed by BREC and Kenergy largely ignore key concerns identified by the Commission in its March 3, 2022 Order. For example, the Commission held that “in future filings, it is inappropriate to bundle the pricing of LICSS Maintenance Power Service and Backup Power Service. These different services should be offered separately, and the rates should be set such that the appropriate embedded and incremental costs associated with each of the services are recognized and accounted for appropriately.” March 3, 2022 Order at p. 20. Yet both of the 2023 LICSS tariffs inexplicably fail to separate these different services. Indeed, the tariffs effectively pretend that maintenance service does not exist. *See* Redline Version of BREC’s 2023 LICSS tariff (removing previous references and provisions addressing maintenance service,

scheduling, and demand). Kimberly-Clark expects to raise other areas of concern with respect to the proposed 2023 LICSS tariffs in the proceedings.

The 2021 Tariff has already resulted in significantly increased costs to Kimberly-Clark and has negatively impacted the economical operation of Kimberly-Clark's new cogeneration system, and the 2023 LICSS tariffs proposed by BREC and Kenergy will worsen this adverse impact. As the Commission has already recognized in the related Domtar proceeding, it is important to open a proceeding so that Kimberly-Clark can present facts and raise issues establishing, among other things, the significant flaws in the proposed 2023 LICSS tariffs and their unfair economic impact on customers that have self-generation capacity.

Thank you for your consideration of Kimberly-Clark's request for the Commission to suspend Kenergy's LICSS tariff filed on September 8, 2023, and open a proceeding so that the parties can engage in discovery and present relevant facts and issues relating to the proposed LICSS tariff.

Sincerely,



Daniel E. Danford
Counsel for Kimberly-Clark Corporation
ddanford@stites.com

cc:

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Senthia Santana senthia.santana@bigrivers.com
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Jody Kyler Cohn Jkylercohn@bkllawfirm.com
Domtar Paper Company, LLC

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF: :
 : Case No. TFS 2023-00391
Large Industrial Customer Standby Service Tariff Filing :
of Big Rivers Electric Corporation. :

**MOTION TO INTERVENE OF
DOMTAR PAPER COMPANY, LLC**

Pursuant to 807 KAR 5:001, Section 4(11), 807 KAR 5:011, Section 8(4), KRS 278.310, and KRS 278.040(2), Domtar Paper Company, LLC (“Domtar”) requests that it be granted full intervenor status in the above-captioned proceeding(s) and states in support thereof as follows:

1. 807 KAR 5:001, Section 4(11)(a)(1) requires that a person requesting leave to intervene as a party to a case before the Kentucky Public Service Commission (“Commission”), by timely motion, must state his or her interest in the case and how 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.
2. 807 KAR 5:001, Section 4(11)(b) provides that the Commission shall grant a person leave to intervene if the Commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.
3. Domtar owns and operates an integrated pulp and paper mill located in Hawesville, Kentucky, within Big Rivers’ service territory. The Hawesville mill supports approximately 450 local jobs and has an estimated regional economic impact of nearly \$1.2 billion. The Hawesville mill includes a 52 MW onsite cogeneration facility that is powered by renewable wood waste resulting from copy paper production (tree bark, saw dust, and black liquor) and constitutes a “Qualifying Facility” (“QF”) under the Public Utility Regulatory Policies Act of 1978.

4. The attorneys for Domtar authorized to represent them in this proceeding and to take service of all documents are:

Michael L. Kurtz, Esq
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: (513) 421-2255 Fax: (513) 421-2764
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5. Domtar has filed a timely motion to intervene in this proceeding.

6. Domtar has a special interest in this case. For over twenty years, Domtar has taken standby service to cover planned and unplanned outages at its QF cogeneration facility from Big Rivers/Kenergy at Commission-approved contract rates. Big Rivers' proposed Large Industrial Customer Standby Service tariff seeks to change this long-standing rate structure in a manner that will adversely impact Domtar's electric rates.

7. Domtar's intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand. In these proceedings, Domtar currently expects to, at minimum, conduct discovery, file expert testimony, and actively participate at the evidentiary hearing. Hence, Domtar will be a helpful and active participant should its request to intervene be granted.

8. Domtar's interests cannot be adequately represented by other potential parties to this proceeding. While other QF customers will also be impacted by Big Rivers' proposed changes, the impacts on Domtar's facility will differ as compared to other customers taking service under the tariff.

9. Domtar intends to play a constructive role in the Commission's decision-making process.
10. Domtar's intervention will not unduly complicate or disrupt the proceedings.

WHEREFORE, Domtar requests that it be granted full intervenor status in the above-captioned proceeding.

Respectfully submitted,

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

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**COUNSEL FOR DOMTAR PAPER
COMPANY, LLC**

September 11, 2023

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF: :
 : Case No. TFS 2023-00399
Large Industrial Customer Standby Service Tariff Filing :
of Kenergy Corp. :

**MOTION TO INTERVENE OF
DOMTAR PAPER COMPANY, LLC**

Pursuant to 807 KAR 5:001, Section 4(11), 807 KAR 5:011, Section 8(4), KRS 278.310, and KRS 278.040(2), Domtar Paper Company, LLC (“Domtar”) requests that it be granted full intervenor status in the above-captioned proceeding(s) and states in support thereof as follows:

1. 807 KAR 5:001, Section 4(11)(a)(1) requires that a person requesting leave to intervene as a party to a case before the Kentucky Public Service Commission (“Commission”), by timely motion, must state his or her interest in the case and how 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.
2. 807 KAR 5:001, Section 4(11)(b) provides that the Commission shall grant a person leave to intervene if the Commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.
3. Domtar owns and operates an integrated pulp and paper mill located in Hawesville, Kentucky, within Kenergy’s service territory. The Hawesville mill supports approximately 450 local jobs and has an estimated regional economic impact of nearly \$1.2 billion. The Hawesville mill includes a 52 MW onsite cogeneration facility that is powered by renewable wood waste resulting from copy paper production (tree bark, saw dust, and black liquor) and constitutes a “Qualifying Facility” (“QF”) under the Public Utility Regulatory Policies Act of 1978.

4. The attorneys for Domtar authorized to represent them in this proceeding and to take service of all documents are:

Michael L. Kurtz, Esq
Jody Kyler Cohn, Esq.
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5. Domtar has filed a timely motion to intervene in this proceeding.

6. Domtar has a special interest in this case. For over twenty years, Domtar has taken standby service to cover planned and unplanned outages at its QF cogeneration facility from Big Rivers/Kenergy at Commission-approved contract rates. Kenergy's proposed Large Industrial Customer Standby Service tariff seeks to change this long-standing rate structure in a manner that will adversely impact Domtar's electric rates.

7. Domtar's intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matters at hand. In these proceedings, Domtar currently expects to, at minimum, conduct discovery, file expert testimony, and actively participate at the evidentiary hearing. Hence, Domtar will be a helpful and active participant should its request to intervene be granted.

8. Domtar's interests cannot be adequately represented by other potential parties to this proceeding. While other QF customers will also be impacted by Kenergy's proposed changes, the impacts on Domtar's facility will differ as compared to other customers taking service under the tariff.

9. Domtar intends to play a constructive role in the Commission's decision-making process.
10. Domtar's intervention will not unduly complicate or disrupt the proceedings.

WHEREFORE, Domtar requests that it be granted full intervenor status in the above-captioned proceeding.

Respectfully submitted,

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.

Jody Kyler Cohn, Esq.

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**COUNSEL FOR DOMTAR PAPER
COMPANY, LLC**

September 13, 2023

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