

DORSEY, GRAY, NORMENT & HOPGOOD
ATTORNEYS-AT-LAW
318 SECOND STREET
HENDERSON, KENTUCKY 42420

JOHN DORSEY (1920-1986)
STEPHEN D. GRAY
WILLIAM B. NORMENT, JR.
J. CHRISTOPHER HOPGOOD
S. MADISON GRAY
DAVIS HUNTER

TELEPHONE
(270) 826-3965
TELEFAX
(270) 826-6672
www.dkgnlaw.com

VIA ELECTRONIC FILING

Ms. Linda Bridwell
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

RE: Large Industrial Customer Standby Service Tariff Filing of
Kenergy Corp.

Dear Ms. Bridwell:

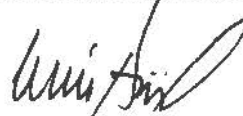
Pursuant to the Kentucky Public Service Commission's ("Commission") March 3, 2022, Order in Case No. 2021-00289, Kenergy Corp. ("Kenergy") is filing with this letter, using the Commission's Electronic Tariff Filing System, proposed tariff sheets to revise its Large Industrial Customer Standby Service rate schedule. The Standby Service rate schedule is available to any Member Cooperative's large industrial member with resources capable of supplying all or a portion of the customer's power requirements who request Standby Service Power.

This tariff is a retail tariff that mirrors the one filed by Big Rivers Electric Corporation.

Respectfully,

DORSEY, GRAY, NORMENT & HOPGOOD

By



J. Christopher Hopgood

JCH/cds

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VIA ELECTRONIC FILING

September 11, 2023

Ms. Linda Bridwell
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

RE: Large Industrial Customer Standby Service Tariff Filing of
Kenergy Corp.

Dear Ms. Bridwell:

Notice of the filing of Kenergy's Standby Tariff, pursuant to the Kentucky Public Service Commission's ("Commission") March 3, 2022, Order in Case No. 2021-00289, Kenergy Corp. ("Kenergy") was given to the two members affected thereby (Kimberly Clark and Domtar) by e-mail to counsel on September 1, 2023. A copy of the e-mail is attached. Additionally, the attached letter to counsel for the two members was e-mailed today, September 11, 2023. (See attached).

This tariff is a retail tariff that mirrors the one filed by Big Rivers Electric Corporation.

Respectfully,

DORSEY, GRAY, NORMENT & HOPGOOD

By


J. Christopher Hopgood

JCH/cds

Chris Hopgood

From: Chris Hopgood <chopgood@dkgnlaw.com>
Sent: Friday, September 08, 2023 3:43 PM
To: 'ddanford@stites.com'; 'mkurtz@bkllaw.com'
Subject: Kenergy retail standby tariff
Attachments: standby-tariff9823.pdf

Attached is the retail tariff that Kenergy filed today. This mirrors the BREC filing of 9/1.
FYI,

J. Christopher Hopgood
Dorsey, Gray, Norment & Hopgood
318 Second Street
Henderson, KY 42420
(270) 826-3965

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for damage caused by any virus transmitted by this email.



Henderson, Kentucky

FOR ALL TERRITORY SERVED

Community, Town or City

PSC NO. 2

First Revised SHEET NO. 34C
(Page 1 of 3)

CANCELLING PSC NO. 2

Original SHEET NO. 34C

CLASSIFICATION OF SERVICE
SCHEDULE 34C – Standby Service

Applicable:

In all territory served by Kenergy Corp.

Availability:

This schedule is available to any large industrial customer of Kenergy Corp. having generation equipment capable of supplying all or a portion of its power requirements for other than emergency purposes, who requests Backup Power Service, and who has or enters into a special contract that provides rates for electric service other than Backup Power Service (the "Standby Customer").

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Term:

This rate schedule shall take effect at 12:01 AM CPT on the effective date of this tariff.

Definitions:

Supplemental Power Service – a service which provides transmission capacity to the Standby Customer as well as the energy and capacity requirements for use by the Standby Customer's facility in addition to the electric power which the Standby Customer ordinarily generates on its own.

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Backup Power Service – a service which provides transmission capacity as well as the energy and capacity requirements for use by the Standby Customer to replace energy generated by the Standby Customer's own generation during an outage or other interruption of the Standby Customer's own generation.

D

DATE OF ISSUE September 1, 2023

Month / Date / Year

DATE EFFECTIVE October 1, 2023

Month / Date / Year

ISSUED BY _____

(Signature of Officer)

TITLE President and CEO

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. _____ DATED _____



Henderson, Kentucky

FOR ALL TERRITORY SERVED

Community, Town or City

PSC NO. 2

First Revised SHEET NO. 34C (Page 2 of 5)

CANCELLING PSC NO. 2

Original SHEET NO. 34C

CLASSIFICATION OF SERVICE
SCHEDULE 34C – Standby Service

T Self-Supply Capacity - the electric capacity accredited by MISO for the Standby Customer's generating unit(s).

Billing:

D The provisions of the Standby Customer's special contract with Kenergy and Kenergy's tariff schedules applicable to service to Standby Customer and all applicable adjustment clauses and riders shall apply to Supplemental Power Service and Backup Power Service except where noted otherwise.

Kenergy Corp. shall bill each Standby Customer in accordance with the billing and payment terms set forth in the Billing section of the applicable tariff schedule or the special contract between Kenergy and the Standby Customer.

A. Supplemental Power Service

Requirements

- T ↓ 1. The level of demand required for Supplemental Power Service shall be the level of demand under the special contract between Kenergy and the Standby Customer (if any) or metered demand, excluding any Backup Power demand.
- D ↓ 2. All power not specifically identified as Backup Power shall be deemed to be Supplemental Power.
- ↓ 3. The total of the Supplemental Power and Backup Power demand shall not exceed Standby Customer's Maximum Contract Demand in any month. Backup Power demand shall not be included in determining minimum demand charges for any month.

Billing

- D 1. Supplemental Power energy shall be the actual measured energy excluding Backup Power energy sold to the Standby Customer in each month.

DATE OF ISSUE September 1, 2023

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First Revised SHEET NO. 34C

(Page 3 of 5)

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CLASSIFICATION OF SERVICE
SCHEDULE 34C - Standby Service

- 2. Customer, Demand, and Energy Charges: All Supplemental Power shall be billed under the terms and charges of the Standby Customer's special contract with Kenergy and Kenergy's tariff schedules applicable to service to the Standby Customer.

D B. Backup Power Service

Requirements

- 1. The level of Backup Power demand shall equal the Standby Customer's Self-Supply Capacity as accredited by MISO.

Billing

- 1. Demand Charges: All Backup Power demand shall be billed at the Big Rivers Standard Rate LIC tariff rate, less a credit equal to the Self-Supply Capacity times the MISO Planning Auction ("PRA") Auction Clearing Prices ("ACP") for the Big Rivers zone for the applicable resource auction time period.
2. Energy Charges: All Backup Power energy usage shall be billed at the higher of the charges of Big Rivers' Standard Rate LIC tariff schedule or the actual locational marginal price for energy by MISO at the applicable load node during each hour of the day at the time of delivery, plus any transmission charges, MISO fees, or other costs.

DATE OF ISSUE September 1, 2023

Month / Date / Year

DATE EFFECTIVE October 1, 2023

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(Signature of Officer)

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(Page 4 of 5)

CANCELLING PSC NO. 2

Original SHEET NO. 34C

CLASSIFICATION OF SERVICE
SCHEDULE 34C - Standby Service

- 3. During any period in which the metered output of the Standby Customer's generator is less than its Self-Supply Capacity, Backup Power energy shall be the first through the meter, up to the Self-Supply Capacity. Energy consumed above the Self-Supply Capacity for any period shall be Supplemental Power energy.
4. Retail adder: A retail adder of \$0.000166 per KWH shall apply to all KWH consumed at the site, including but not limited to Backup Power energy consumed by the Standby Customer.

Terms and Conditions:

- 1. The Standby Customer shall be subject to all adders, riders, terms and conditions, and other provisions of any applicable special contract or schedule of Kenergy Corp.'s tariff under which the Standby Customer takes service; provided, however, in hours in which the energy charge for Backup Power energy is priced at the locational marginal price, those energy charges shall not be subject to the FAC, Non-FAC PPA, Environmental Surcharge, or MRSM riders.
2. Standby Customer shall be required to adhere to Big Rivers' requirements and procedures for interconnection.
3. The Standby Customer shall be required to allow Big Rivers to meter Standby Customer's generation, and to provide access for Big Rivers to install, operate and maintain the metering equipment, which shall remain the property of Big Rivers.
4. The Standby Customer shall be required to pay the cost of any new or additional facilities associated with providing service under the provisions of this schedule, and the Standby Customer shall be responsible for all costs (including any charges from ACES) related to the Standby Customer's generator.
5. The Standby Customer shall be responsible for any MISO charges, fees, penalties, or other costs associated with Standby Customer's generation, outages of Standby Customer's generation, or Backup Power service.
6. The Standby Customer shall not transmit energy to Big Rivers or to Kenergy Corp.
7. The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Kentucky Public Service Commission, and to Big Rivers' and Kenergy Corp.'s generally applicable rules, terms, or conditions currently in effect, as filed with the Kentucky Public Service Commission.
8. Standby Customer shall provide reasonable protection for Big Rivers' and Kenergy Corp.'s systems.

DATE OF ISSUE September 1, 2023
Month / Date / Year

DATE EFFECTIVE October 1, 2023
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ISSUED BY (Signature of Officer)

TITLE President and CEO

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. DATED



Henderson, Kentucky

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PSC NO. 2

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(Page 5 of 5)

CANCELLING PSC NO. 2

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CLASSIFICATION OF SERVICE
SCHEDULE 34C – Standby Service

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- 9. Standby Customer shall design, construct, install, own, operate, and maintain its generation equipment in accordance with all applicable codes, laws, regulations, and generally accepted utility practices.
- 10. Standby Customer shall obtain insurance in the following minimum amounts for each occurrence:
 - a. Public Liability for Bodily Injury - \$1,000,000.00
 - b. Property Damage - \$500,000.00
- 11. Standby Customers with a non-dispatchable generation facility shall not be entitled to a capacity payment.
- 12. The Standby Customer is responsible for the cost of all facilities on the Standby Customer's site to meet and maintain eligibility as a MISO capacity resource, and the Standby Customer is subject to all non-performance costs levied by MISO or its successor, the Kentucky Public Service Commission, or other applicable entity related to nonperformance of its generating equipment.
- 13. Any and all costs incurred by Big Rivers as a result of the Standby Customer's generator's failure to generate, including, without limitation, ancillary services necessary to maintain reliability on the Big Rivers system and MISO RSG charges, may be charged to the Standby Customer in addition to all other charges.
- 14. The Standby Customer shall pay for all interconnection costs arising out of the Standby Customer's generator.
- 15. During system emergencies, Big Rivers may discontinue sales to the Standby Customer.

DATE OF ISSUE September 1, 2023

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DATE EFFECTIVE October 1, 2023

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ISSUED BY _____

(Signature of Officer)

TITLE President and CEO

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. _____ DATED _____

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September 11, 2023

OF COUNSEL
STEPHEN D. GRAY

Mr. Daniel E. Danford
Stites & Harbison
250 W. Main Street, Suite 2300
Lexington, KY 40507-1758

Mr. Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202

Re: Notice by Kenergy Corp. of filing of
Revised Tariff

Gentlemen:

On Friday, September 8, 2023, Kenergy Corp. ("Kenergy") made a tariff filing to the Kentucky Public Service Commission ("Commission"), filing a revised Large Industrial Customer Standby Service or LICSS tariff. Kenergy is providing this notice pursuant to 807 KAR 5:011 Section 8. The issue date of the tariff is the date the tariff was filed, September 8, 2023, and the tariff has a proposed effective date of October 11, 2023.

The only Kenergy customer class to which the LICSS tariff applies is Kenergy's Large Industrial class, and it only applies to your retail service to a Large Industrial Customer who self-generates power; who requests standby power service; and who has or enters into a special contract that does not provide rates for standby power service (a "Standby Customer"). Information regarding the effect of the proposed tariff on rates is included in the attached letter from Big Rivers to Kenergy dated September 1, 2023.

A person may examine this tariff filing at Kenergy's offices located at 6402 Old Henderson-Corydon Road, Henderson, KY 42420. A person may also examine this tariff filing at the Commission's offices located at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8:00 A.M. to 4:30 P.M. (Eastern) or through the Commission's website at <http://psc.ky.gov>.

Page 2
September 11, 2023

Comments regarding this tariff filing may be submitted to the Public Service Commission through its website or by mail to Public Service Commission, Post Office Box 615, Frankfort, KY 40602.

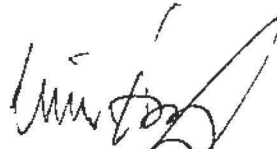
The rates contained in the revised tariff are the rates proposed by Kenergy, but the Public Service Commission may order rates to be charged that differ from Kenergy's proposed tariff.

A person may submit a timely written request for intervention to the Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602, establishing the grounds for the request including the status and interests of the party. If the Commission does not receive a written request for intervention within thirty (30) days of the initial mailing of this notice, the Commission may take final action on the tariff filing,

Respectfully,

DORSEY, GRAY, NORMENT & HOPGOOD

By



J. Christopher Hopgood
chopgood@dkgnlaw.com
counsel for Kenergy Corp.

JCH/cds



Big Rivers Electric Corporation
710 West 2nd Street
Owensboro, KY 42301
www.bigrivers.com

September 1, 2023

Mr. Greg Grissom
President and CEO
Jackson Purchase Energy Corp.
2900 Irvin Cobb Drive
P.O. Box 4030
Paducah, KY 42002

Mr. Tim Lindahl
President and CEO
Kenergy Corp.
6402 Old Corydon Road
P.O. Box 18
Henderson, KY 42419-0018

Mr. Marty Littrel
President and CEO
Meade County Rural Electric Cooperative Corporation
1351 Hwy. 79
Brandenburg, KY 40108

**RE: *NOTICE BY BIG RIVERS ELECTRIC CORPORATION OF FILING OF
REVISED TARIFF***

Gentlemen:

Big Rivers Electric Corporation ("*Big Rivers*") today made a tariff filing to the Kentucky Public Service Commission ("*Commission*"), filing a revised Large Industrial Customer Standby Service or LICSS tariff. Big Rivers is providing this notice pursuant to 807 KAR 5:011 Section 8. The issue date of the tariff is the date the tariff was filed, September 1, 2023, and the tariff has a proposed effective date of October 1, 2023.

The only Big Rivers customer class to which the LICSS tariff applies is Big Rivers' Large Industrial class, and it only applies to your retail service to a Large Industrial Customer who self-generates power; who requests standby power service; and who has or enters into a special contract that does not provide rates for standby power service (a "*Standby Customer*"). The LICSS also only applies if you chose to adopt a standby service tariff under which you pass through the charges under the LICSS tariff to a Standby Customer.

Mr. Greg Grissom
Mr. Tim Lindahl
Mr. Marty Littrel
September 1, 2023
Page 2 of 3

The present rates under the existing Big Rivers LICSS tariff for supplemental, maintenance, or backup power are as follows. The rates include a \$150/month Administrative Charge. The existing rates for supplemental power are the same as Big Rivers' Standard Rate LIC tariff schedule. The existing demand charges for maintenance and backup power is the demand rate under Big Rivers' Standard Rate LIC tariff schedule, less a credit equal to \$3.80/kw-month times the retail customer's Self-Supply Capacity. The current energy charges for maintenance and backup power are the higher of the energy charges under Big Rivers' Standard LIC tariff schedule, or the market price, including any energy charges, transmission charges, MISO fees, and other costs.

The demand rate in the proposed tariff requires that the Member Cooperative pay the standard LIC demand charge for service for both Supplemental Power demand and Backup Power demand, less a credit for the value of the Standby Customer's Self Supply Capacity. Energy charges for Supplemental Power Service are the standard LIC energy rate. The rate for Backup Power energy is the higher of the LIC energy charge, or the locational marginal price for energy at the applicable MISO load node, plus any transmission charges, MISO fees, or other costs. Big Rivers is not proposing changes to the basic structure, however, Big Rivers is proposing a change to how the capacity credit is determined, to remove any distinction between Maintenance Power Service and Backup Power Service, and to make clarifying refinements to the tariff language.

Pursuant to 807KAR 5:011 Section 8(4)(d), Big Rivers is required to provide the average usage and the effect upon the average bill for each customer classification to which the revised LICSS tariff will apply. The average usage, from July 2022 through July 2023, of the only retail member currently billed under the LICSS tariff is 13,151,932.75 KWH per month. Big Rivers is unable to provide the effect upon the average bill for each customer classification to which the LICSS tariff will apply, because the rates in the tariff rely upon (a) MISO LMP, which are updated in real-time every five minutes and (b) MISO PRA ACP, which varies by quarter, on a forecast basis, and for which MISO does not yet have a full year of implementation. These facts render it impossible to provide a meaningful projection of the effect upon average bills for the customer classifications to which the tariff applies.

A person may examine this tariff filing at Big Rivers' offices located at 710 W. Second Street, Owensboro, Kentucky 42301. A person may also examine this tariff filing at the Commission's offices located at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m. (Eastern) or through the Commission's website at <http://psc.ky.gov>.

Comments regarding this tariff filing may be submitted to the Public Service Commission through its website or by mail to Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602.

The rates contained in the revised tariff are the rates proposed by Big Rivers, but the Public Service Commission may order rates to be charged that differ from Big Rivers' proposed tariff.

Mr. Greg Grissom
Mr. Tim Lindahl
Mr. Marty Littrel
September 1, 2023
Page 3 of 3

A person may submit a timely written request for intervention to the Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602, establishing the grounds for the request including the status and interest of the party. If the Commission does not receive a written request for intervention within thirty (30) days of the initial mailing of this notice, the Commission may take final action on the tariff filing.

Sincerely yours,

/s/ Senthia Santana

Senthia Santana
Associate Attorney
senthia.santana@bigrivers.com
Phone: (270)844-6140



Henderson, Kentucky

FOR ALL TERRITORY SERVED

Community, Town or City

PSC NO. 2

First Revised SHEET NO. 34C

(Page 1 of 5)

CANCELLING PSC NO. 2

Original SHEET NO. 34C

CLASSIFICATION OF SERVICE
SCHEDULE 34C – Standby Service

Applicable:

In all territory served by Kenergy Corp.

Availability:

This schedule is available to any large industrial customer of Kenergy Corp. having generation equipment capable of supplying all or a portion of its power requirements for other than emergency purposes, who requests Backup Power Service, and who has or enters into a special contract that provides rates for electric service other than Backup Power Service (the "Standby Customer").

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Term:

This rate schedule shall take effect at 12:01 AM CPT on the effective date of this tariff.

Definitions:

Supplemental Power Service – a service which provides transmission capacity to the Standby Customer as well as the energy and capacity requirements for use by the Standby Customer's facility in addition to the electric power which the Standby Customer ordinarily generates on its own.

D

Backup Power Service – a service which provides transmission capacity as well as the energy and capacity requirements for use by the Standby Customer to replace energy generated by the Standby Customer's own generation during an outage or other interruption of the Standby Customer's own generation.

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DATE OF ISSUE September 8, 2023

Month / Date / Year

DATE EFFECTIVE October 11, 2023

Month / Date / Year

ISSUED BY [Signature]

(Signature of Officer)

TITLE President and CEO

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. _____ DATED _____



Henderson, Kentucky

FOR ALL TERRITORY SERVED

Community, Town or City

PSC NO. 2

First Revised SHEET NO. 34C

(Page 2 of 5)

CANCELLING PSC NO. 2

Original SHEET NO. 34C

CLASSIFICATION OF SERVICE
SCHEDULE 34C - Standby Service

T Self-Supply Capacity - the electric capacity accredited by MISO for the Standby Customer's generating unit(s).

Billing:

The provisions of the Standby Customer's special contract with Kenergy and Kenergy's tariff schedules applicable to service to Standby Customer and all applicable adjustment clauses and riders shall apply to Supplemental Power Service and Backup Power Service except where noted otherwise.

Kenergy Corp. shall bill each Standby Customer in accordance with the billing and payment terms set forth in the Billing section of the applicable tariff schedule or the special contract between Kenergy and the Standby Customer.

A. Supplemental Power Service

Requirements

- 1. The level of demand required for Supplemental Power Service shall be the level of demand under the special contract between Kenergy and the Standby Customer (if any) or metered demand, excluding any Backup Power demand.
2. All power not specifically identified as Backup Power shall be deemed to be Supplemental Power.
3. The total of the Supplemental Power and Backup Power demand shall not exceed Standby Customer's Maximum Contract Demand in any month. Backup Power demand shall not be included in determining minimum demand charges for any month.

Billing

- 1. Supplemental Power energy shall be the actual measured energy excluding Backup Power energy sold to the Standby Customer in each month.

DATE OF ISSUE September 8, 2023

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ISSUED BY [Signature]

(Signature of Officer)

TITLE President and CEO

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CLASSIFICATION OF SERVICE
SCHEDULE 34C – Standby Service

- 2. Customer, Demand, and Energy Charges: All Supplemental Power shall be billed under the terms and charges of the Standby Customer’s special contract with Kenergy and Kenergy’s tariff schedules applicable to service to the Standby Customer.

D B. Backup Power Service

Requirements

- 1. The level of Backup Power demand shall equal the Standby Customer’s Self-Supply Capacity as accredited by MISO.

Billing

- 1. Demand Charges: All Backup Power demand shall be billed at the Big Rivers Standard Rate LIC tariff rate, less a credit equal to the Self-Supply Capacity times the MISO Planning Auction (“PRA”) Auction Clearing Prices (“ACP”) for the Big Rivers zone for the applicable resource auction time period.
- 2. Energy Charges: All Backup Power energy usage shall be billed at the higher of the charges of Big Rivers’ Standard Rate LIC tariff schedule or the actual locational marginal price for energy by MISO at the applicable load node during each hour of the day at the time of delivery, plus any transmission charges, MISO fees, or other costs.

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3. During any period in which the metered output of the Standby Customer's generator is less than its Self-Supply Capacity, Backup Power energy shall be the first through the meter, up to the Self-Supply Capacity. Energy consumed above the Self-Supply Capacity for any period shall be Supplemental Power energy.

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4. Retail adder: A retail adder of \$0.000166 per KWH shall apply to all KWH consumed at the site, including but not limited to Backup Power energy consumed by the Standby Customer.

Terms and Conditions:

N



1. The Standby Customer shall be subject to all adders, riders, terms and conditions, and other provisions of any applicable special contract or schedule of Kenergy Corp.'s tariff under which the Standby Customer takes service; provided, however, in hours in which the energy charge for Backup Power energy is priced at the locational marginal price, those energy charges shall not be subject to the FAC, Non-FAC PPA, Environmental Surcharge, or MRSM riders.

2. Standby Customer shall be required to adhere to Big Rivers' requirements and procedures for interconnection.

3. The Standby Customer shall be required to allow Big Rivers to meter Standby Customer's generation, and to provide access for Big Rivers to install, operate and maintain the metering equipment, which shall remain the property of Big Rivers.

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4. The Standby Customer shall be required to pay the cost of any new or additional facilities associated with providing service under the provisions of this schedule, and the Standby Customer shall be responsible for all costs (including any charges from ACES) related to the Standby Customer's generator.

D

5. The Standby Customer shall be responsible for any MISO charges, fees, penalties, or other costs associated with Standby Customer's generation, outages of Standby Customer's generation, or Backup Power service.

D

6. The Standby Customer shall not transmit energy to Big Rivers or to Kenergy Corp.

7. The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Kentucky Public Service Commission, and to Big Rivers' and Kenergy Corp.'s generally applicable rules, terms, or conditions currently in effect, as filed with the Kentucky Public Service Commission.

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8. Standby Customer shall provide reasonable protection for Big Rivers' and Kenergy Corp.'s systems.

DATE OF ISSUE September 8, 2023
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- 9. Standby Customer shall design, construct, install, own, operate, and maintain its generation equipment in accordance with all applicable codes, laws, regulations, and generally accepted utility practices.
- 10. Standby Customer shall obtain insurance in the following minimum amounts for each occurrence:
 - a. Public Liability for Bodily Injury - \$1,000,000.00
 - b. Property Damage - \$500,000.00
- 11. Standby Customers with a non-dispatchable generation facility shall not be entitled to a capacity payment.
- 12. The Standby Customer is responsible for the cost of all facilities on the Standby Customer's site to meet and maintain eligibility as a MISO capacity resource, and the Standby Customer is subject to all non-performance costs levied by MISO or its successor, the Kentucky Public Service Commission, or other applicable entity related to nonperformance of its generating equipment.
- 13. Any and all costs incurred by Big Rivers as a result of the Standby Customer's generator's failure to generate, including, without limitation, ancillary services necessary to maintain reliability on the Big Rivers system and MISO RSG charges, may be charged to the Standby Customer in addition to all other charges.
- 14. The Standby Customer shall pay for all interconnection costs arising out of the Standby Customer's generator.
- 15. During system emergencies, Big Rivers may discontinue sales to the Standby Customer.

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ISSUED BY [Signature]

(Signature of Officer)

TITLE President and CEO

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. _____ DATED _____