

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF BIG RIVERS)	
ELECTRIC CORPORATION OF A RETAIL)	CASE NO.
ELECTRIC SERVICE AGREEMENT WITH)	2026-00115
JUSTIFIED DATAPOWER LLC, A SUBSIDIARY)	
OF TERA WULF INC.)	

ORDER

On April 14, 2026, Big Rivers Electric Corporation (BREC) filed, through the Commission’s electronic Tariff Filing System, a proposed Retail Electric Service Agreement (RESA) between BREC, Kenergy Corp. (Kenergy) and Justified DataPower LLC, a subsidiary of TeraWulf Inc. (TeraWulf), for service to TeraWulf’s proposed data center campus to be located at the former Century Aluminum smelter site in Hancock County, Kentucky.¹

By Order dated May 12, 2026, the Commission suspended the proposed RESA for five months, up to and including October 13, 2026, and established a procedural schedule for the processing of this matter.²

On May 27, 2026, TeraWulf filed a motion for expedited review and request for Informal Conference (Motion for IC) requesting that the Commission establish an expedited procedural schedule with a target date for a final Order by July 27, 2026.³

¹ BREC Contract Filing (received Apr. 14, 2026. Entered into the record of the present case May 1, 2026).

² Order (Ky. PSC May 12, 2026).

³ TeraWulf’s Motion for IC (filed May 27, 2026).

TeraWulf noted “Counsel for TeraWulf conferred with the Office of the Attorney General, the only intervenor in this proceeding that is not a party to the Agreement, which indicated its support for this Motion for Expedited Review.”⁴ By subsequent Order, the Commission held the request for expedited review in abeyance or otherwise under advisement pending further review of the proceeding.⁵ An IC was held on June 2, 2026, during which BREC, Kenergy, and TeraWulf provided an overview of the proposed Agreement, the project structure, anticipated customer protections, and the projected financial and economic impacts associated with the proposed 482 MW data center project at the former Century Hawesville facility.⁶ On June 3, 2026, BREC filed a response to TeraWulf’s Motion which supported expeditious approval of TeraWulf’s retail electric service agreement but asked to maintain the first information request deadlines as set forth in the May 12, 2026 Order.⁷

Pursuant to the procedural schedule currently in the record, responses to the first round of requests for information were filed on June 11, 2026.⁸ Given the pending motion and the parties’ ability to meet the initial discovery response deadline, the Commission finds that amending the procedural schedule is reasonable. Accordingly, nothing in this Order should be construed as granting the request for expedited treatment or preventing the Commission from issuing further procedural deadlines in this case. Based upon the

⁴ Motion for IC at 5.

⁵ Order (Ky. PSC June 3, 2026).

⁶ IC Memo (Ky. PSC June 11, 2026).

⁷ BREC’s Response to the Motion of TeraWulf, Inc. for Expedited Review and Request for Informal Conference (filed June 3, 2026).

⁸ BREC’s Responses to Staff’s First Request for Information (filed June 11, 2026). BREC’s Responses to Attorney General’s First Request for Information (filed June 11, 2026).

foregoing, the Commission finds that the procedural schedule established by the May 12, 2026 Order should be amended.

IT IS THEREFORE ORDERED that:

1. The procedural schedule established by the Commission's May 12, 2026 Order is amended.

2. Supplemental Requests for Information to BREC shall be filed no later than June 22, 2026.

3. All intervenors shall indicate whether intervenor testimony will be provided by June 22, 2026.

4. BREC shall file responses to Supplemental Requests for Information no later than June 29, 2026.

5. All provisions of the Commission's May 12, 2026 Order that are in conflict with the provisions of this Order are vacated, and all other provisions not in conflict with the provisions of this Order shall remain in effect.

Entered on this 17th day of June, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

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