

P.S.C. KY. NO. 12

CANCELS E.R.C. KY. NO. 11

BIG RIVERS ELECTRIC CORPORATION

OF

HENDERSON, KENTUCKY

RATES, RULES AND REGULATIONS FOR FURNISHING

ELECTRIC SERVICE

AT

BRECKENRIDGE, CALDWELL, CRITTENDEN, DAVIESS, GRAYSON, HANCOCK, HARDIN,

HENDERSON, HOPKINS, LYON, MCLEAN, MEADE, MUHLENBERG, OHIO, UNION,

MCCRACKEN, LIVINGSTON, BALLARD, CARLISLE, MARSHALL, GRAVES AND

WEBSTER COUNTIES, KENTUCKY.

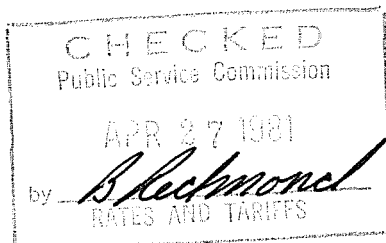
FILED WITH PUBLIC SERVICE COMMISSION

Issued March 30, 19 81

Effective April 1, 19 81

Issued By Big Rivers Electric Corporation  
(Name of Utility)

By W. H. Hoyle  
General Manager



C9-87

All Territory Served By  
For Cooperative's Transmission System

Community, Town or City

P.S.C. NO. 12

~~Third~~ (Original) Sheet No. 1  
(Revised)

Big Rivers Electric Corporation  
Name of Issuing Corporation

Canceling No. 12

Second (Original) Sheet No. 1  
(Revised)

CLASSIFICATION OF SERVICE

1. APPLICABLE:

In all territory served by Cooperative's transmission system.

2. AVAILABILITY OF SERVICE:

Available only for service to member rural electric cooperatives subject to the special terms and conditions hereinafter set forth and to such of Cooperative's general rules and regulations on file with the Public Service Commission of Kentucky.

3. RATE SCHEDULE:

A. Monthly Delivery Point Rate:

(1) Demand charge of:

All kW of billing demand at \$6.25 per kilowatt.

(2) Plus an energy charge of:

(R) All kWh per month at \$.017199 per kWh.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

JUN 01 1987

PURSUANT TO 807 KAR 5:011,  
SECTION 9 (1)

BY: J. Stogdeman

DATE OF ISSUE	<u>May</u>	<u>6</u>	<u>1987</u>
	Month	Day	Year
DATE EFFECTIVE	<u>June</u>	<u>1</u>	<u>1987</u>
	Month	Day	Year

ISSUED BY W. H. Thayer General Manager P.O. Box 24, Henderson, KY  
Name of Officer Title Address

ISSUED BY AUTHORITY OF P.S.C.

ORDER NO. 9730

C9-87

All Territory Served By  
For Cooperative's Transmission System

Community, Town or City

P.S.C. NO. 12

(Original) Sheet No. 2  
(Revised)

Third

Big Rivers Electric Corporation  
Name of Issuing Corporation

Canceling No. 12

(Original) Sheet No. 2  
(Revised)

Second

CLASSIFICATION OF SERVICE

B. Fuel Clause:

The energy charge shall be increased or decreased by a fuel adjustment factor as follows:

(R)  $\frac{F}{S} - \$0.01295$

- (1) The fuel clause shall provide for periodic adjustment per kWh of sales equal to the difference between the fuel costs per kWh sales in the base period and in the current period according to the following formula:

$$\text{Adjustment Factor} = \frac{F(m)}{S(m)} - \frac{F(b)}{S(b)}$$

Where F is the expense of fossil fuel in the base (b) and current (m) periods; and S is sales in the base (b) and current (m) periods, all defined below:

- (2) FB/SB shall be so determined that on the effective date of the Commission's approval of the utility's application of the formula, the resultant adjustment will be equal to zero (0).

- (3) Fuel costs (F) shall be the most recent actual monthly cost of:

PUBLIC SERVICE COMMISSION  
OF THE STATE OF KENTUCKY  
INDUSTRIAL DIVISION

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BY: J. Deegan

DATE OF ISSUE May 6 1987  
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ISSUED BY W.H. Thoye General Manager P. O. Box 24, Henderson, KY  
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ORDER NO. 9730

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All Territory Served By  
For Cooperative's Transmission System

Community, Town or City

P.S.C. NO. 12

x (Original) Sheet No. 3  
(Revised)

Big Rivers Electric Corporation  
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- (a) Fossil fuel consumed in the utility's own plants, and the utility's share of fossil and nuclear fuel consumed in jointly owned or leased plants, plus the cost of fuel which would have been used in plants suffering forced generation and/or transmission outages, but less the cost of fuel related to substitute generation, plus
- (b) The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than identified in paragraph (c) below, but excluding the cost of fuel related to purchases to substitute the forced outages, plus
- (c) The net energy cost of energy purchases, exclusive of capacity or demand charges (irrespective of the designation assigned to such transaction) when such energy is purchased on an economic dispatch basis. Included therein may be such costs as the charges for economy energy purchases and the charges as a result of scheduled outage, all such kinds of energy being purchased by the buyer to substitute for its own higher cost energy; and less
- (d) The cost of fossil fuel recovered through inter-system sales including the fuel costs related to economy energy sales and other energy sold on an economic dispatch basis.
- (e) All fuel costs shall be based on weighted average inventory costing.

DATE OF ISSUE August 19 1981  
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DATE EFFECTIVE August 13 1981  
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CHECKED  
Public Service Commission  
OCT 15 1981  
by S. Richmond  
RATES AND TARIFFS

ISSUED BY W. H. Hooper General Manager P. O. Box 24, Henderson, KY  
Name of Officer Title Address

ISSUED BY AUTHORITY OF P.S.C.

ORDER NO. 8283

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All Territory Served By  
For Cooperative's Transmission System

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P.S.C. NO. 12

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CLASSIFICATION OF SERVICE

- (4) Forced outages are all nonscheduled losses of generation or transmission which require (purchase of) substitute power for a continuous period in excess of six (6) hours. Where forced outages are not as a result of faulty equipment, faulty manufacture, faulty design, faulty installations, faulty operation or faulty maintenance, but are Acts of God, riot, insurrection or acts of the public enemy, then the utility may, upon proper showing, with the approval of the Commission, include the fuel cost of substitute energy in the adjustment.
- (5) Sales (S) shall be all kWhs sold, excluding inter-system sales. Where, for any reason, billed system sales cannot be coordinated with fuel costs for the billing period, sales may be equated to the sum of (i) generation, (ii) purchases, (iii) interchange in, less (iv) energy associated with pumped storage operations, less (v) inter-system sales referred to in subsection (3) (d) above, less (vi) total system losses. Utility-used energy shall not be excluded in the determination of sales (S).
- (6) The cost of fossil fuel shall include no items other than the invoice price of fuel less any cash or other discounts. The invoice price of fuel includes the cost of the fuel itself and necessary charges for transportation of the fuel from the point of acquisition to the unloading point, as listed in Account 151 of FERC Uniform System of Accounts for Public Utilities and Licensees.

DATE OF ISSUE	<u>August</u>	<u>19</u>	<u>1981</u>	<p style="margin: 0;"><b>CHECKED</b> Public Service Commission</p> <p style="margin: 0; font-size: 1.2em;">OCT 15 1981</p> <p style="margin: 0;"><i>[Signature]</i></p> <p style="margin: 0; font-size: 0.8em;">RATES AND TARIFFS</p>
	Month	Day	Year	
DATE EFFECTIVE	<u>August</u>	<u>13</u>	<u>1981</u>	
	Month	Day	Year	
ISSUED BY	<u>W. H. Floyd</u>			
	Name of Officer	Title	Address	
		General Manager	P. O. Box 24, Henderson, KY	

ISSUED BY AUTHORITY OF P.S.C.

ORDER NO. 8283

C9-81

All Territory Served By  
For Cooperative's Transmission System

Community, Town or City

P.S.C. NO. 12

x (Original) Sheet No. 5  
(Revised)

Big Rivers Electric Corporation  
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(Revised)

CLASSIFICATION OF SERVICE

To facilitate the prompt mailing of bills, the fuel adjustment amount for any billing month shall be the product of the "Adjustment Factor" for the preceding month as defined above and the kilowatt hours consumed by the Member in the preceding month.

C. Intersystem Sales Adjustment Credit

The Demand Charge shall be decreased by an Intersystem Sales Adjustment factor as follows:

$$\text{Adjustment Factor} = \frac{\text{IM}}{\text{KW}}$$

- (1) The Intersystem Sales Adjustment Credit shall provide for a flow through of margins, based on the incremental cost basis, realized on intersystem sales power transactions (including wheeling of power) during the period of July 1, 1981, through December 31, 1981. Where IM shall be the margins realized on intersystem power transactions during a calendar month and KW is the Kilowatt Billing Demand for the calendar month.
- (2) To facilitate the prompt mailing of bills, the Intersystem Sales Adjustment Credit for any billing month shall be the product of the "Adjustment Factor" for the preceding month as defined above and the Kilowatt Billing Demand of the Member in the preceding month.
- (3) The Intersystem Sales Adjustment Credit will terminate when the margins from intersystem sales and wheeling charges realized during July 1 through December 31, 1981, have been credited.

DATE OF ISSUE	<u>August</u>	<u>19</u>	<u>1981</u>	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;"><b>CHECKED</b></p> <p style="text-align: center; margin: 0;">Public Service Commission</p> <p style="text-align: center; margin: 0; font-size: 1.2em;">OCT 15 1981</p> <p style="text-align: center; margin: 0;"><i>[Signature]</i></p> <p style="text-align: center; margin: 0;">RATES AND TARIFFS</p> </div>
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DATE EFFECTIVE	<u>August</u>	<u>13</u>	<u>1981</u>	
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ISSUED BY	<u>W. H. Hoyle</u>			
	Name of Officer	Title	Address	
		General Manager	P. O. Box 24, Henderson, KY	

ISSUED BY AUTHORITY OF P.S.C.

ORDER NO. 8283

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All Territory Served By  
For Cooperative's Transmission System

Community, Town or City

P.S.C. NO. 12

x (Original) Sheet No. 5.1  
(Revised)

Big Rivers Electric Corporation  
Name of Issuing Corporation

Canceling No. \_\_\_\_\_

x (Original) Sheet No. \_\_\_\_\_  
(Revised)

CLASSIFICATION OF SERVICE

4. MINIMUM BILL:

The minimum monthly bill shall not be less than \$6.25 per kilowatt of Billing Demand.

5. TERM:

The wholesale power supply contracts dated January 11, 1962, between Big Rivers Electric Corporation and its distribution cooperative members shall remain in effect until January 1, 2017, and thereafter until terminated by either party's giving to the other not less than six months written notice of its intention to terminate.

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ISSUED BY W. H. Hooper General Manager P. O. Box 24, Henderson, KY  
Name of Officer Title Address

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ORDER NO. 8283

*C9-87*

Community, Town or City

P.S.C. NO. 12

x (Original) Sheet No. 6  
(Revised)

Big Rivers Electric Corporation  
Name of Utility

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(Revised)

RULES & REGULATIONS

6. SPECIAL RULES:

A. Billing Demand:

The Billing Demand in kilowatts shall be Member's maximum integrated thirty-minute demand during each billing month, determined by meters which will record on tape at the end of each thirty-minute period the integrated kilowatt demand during the preceding thirty minutes, or the Contract Demand, whichever shall be the greater.

B. Contract Demand:

Upon mutual agreement with Member, a Contract Demand may be established for delivery points requiring special investments by Seller.

C. Metering:

The Seller shall meter all power and energy at voltage as mutually agreed to with Member. Meters and metering equipment shall be furnished, maintained and read by the Seller.

D. Electric Characteristics and Delivery Point(s):

Electric power and energy to be furnished hereunder shall be alternating current, three-phase, sixty Hertz. The Seller shall make and pay for all final connections between the systems of the Seller and the Member at the point(s) of delivery. The parties will specify the initial points of delivery, delivery voltages and capacity prior to the commencement of service hereunder. Additional points shall be agreed upon by the Seller and the Member from time to time.

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Issued By

W. H. Thayer  
Name

General Manager

Title

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RATES AND TARIFFS

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All Territory Served By  
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Community, Town or City \_\_\_\_\_

P.S.C. NO. 12

x (Original) Sheet No. 7  
(Revised)

Big Rivers Electric Corporation  
Name of Utility

Canceling E.R.C. No. 11

x (Original) Sheet No. 8  
(Revised)

RULES & REGULATIONS

E. Substations:

The Member shall install, own and maintain the necessary substation equipment at the point(s) of connection unless otherwise agreed to by Seller. The Seller shall own and maintain switching and protective equipment which may be reasonably necessary to enable the Member to take and use the electric power and energy hereunder and to protect the system of the Seller.

F. Rate:

The Board of Directors of the Seller at such intervals as it shall deem appropriate, but in any event not less frequently than once in each calendar year, shall review the rate for electric power and energy furnished hereunder and, if necessary, shall revise such rate so that it shall produce revenues which shall be sufficient, but only sufficient, to meet the cost of operation and maintenance (including without limitation, replacements, insurance, taxes and administrative and general overhead expenses) of the generating plant, transmission system and related facilities of the Seller, the cost of any power and energy purchased for resale hereunder by the Seller, the cost of transmission service, make payments on account of principal of and interest on all indebtedness of the Seller, and to provide for the establishment and maintenance of reasonable reserves. The Seller shall cause a notice in writing to be given to the Member, which shall set out all the proposed revisions of the rate.

Date of Issue March 30, 1981

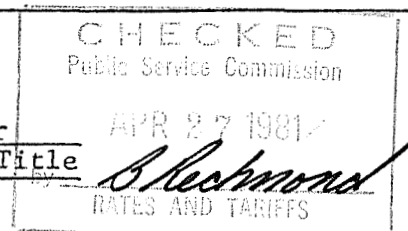
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W. H. Thoyce  
Name

General Manager

Title



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Community, Town or City \_\_\_\_\_

P.S.C. NO. 12

x (Original) Sheet No. 8  
(Revised)

Big Rivers Electric Corporation  
Name of Utility

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RULES & REGULATIONS

G. Discount Adjustment:

At the discretion of the Board of Directors, and with the prior approval of the Public Service Commission, an appropriate discount may be authorized at such time, as substantial application of the rate indicates revenues in excess of projected and relative levels of the rate design.

H. Meter Testing and Billing Adjustment:

The Seller shall test and calibrate meters by comparison with accurate standards at intervals of twelve (12) months. The Seller shall also make special meter tests at any time at the Member's request. The costs of all tests shall be borne by the Seller; provided, however, that if any special meter test made at the Member's request shall disclose that the meters are recording accurately, the Member shall reimburse the Seller for the cost of such test. Meters registering not more than two percent (2%) above or below normal shall be deemed to be accurate. The readings of any meter which shall have been disclosed by test to be inaccurate shall be corrected for the ninety (90) days previous to such test in accordance with the percentage of inaccuracy found by such test. If any meter shall fail to register for any period the Member and the Seller shall agree as to the amount of energy furnished during such period and the Seller shall render a bill therefor.

I. Notice of Meter Reading or Test:

The Seller shall notify the Member in advance of the time of any meter reading or test so that the Member's representative may be present at such meter reading or test.

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W. H. Hoyle  
Name

General Manager

Title

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B. Bestwood  
RATES AND TARIFFS

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Big Rivers Electric Corporation  
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(Revised)

RULES & REGULATIONS

J. Power Factor:

The Member shall at all times take and use power in such manner that the power factor at the time of maximum demand shall not be less than 85% leading or lagging.

K. Right of Access:

Duly authorized representatives of either party hereto shall be permitted to enter the premises of the other party hereto at all reasonable times in order to carry out the provisions hereof.

L. Continuity of Service:

The Seller shall use reasonable diligence to provide a constant and uninterrupted supply of electric power and energy hereunder. If the supply of electric power and energy shall fail or be interrupted, or become defective, by reason of force majeure, the Seller shall not be liable therefor, or for damages caused thereby. The term "force majeure", as used herein, shall mean Acts of God, accidents, strikes or other labor troubles, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of the Government, whether Federal, State or local, civil or military, civil disturbances, explosions, breakage of or accident to machinery, equipment or transmission lines, inability to obtain necessary materials, supplies or permits due to existing or future rules, regulations, orders, laws or proclamations of governmental authorities, whether Federal, State or local, civil or military, and any other forces which are not reasonably within the control of the Seller, whether like or unlike those herein enumerated.

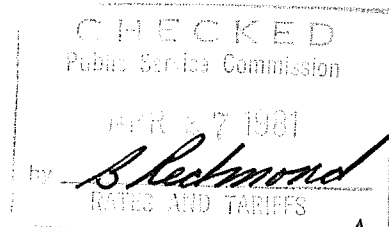
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Big Rivers Electric Corporation  
Name of Utility

Canceling E.R.C. No. 11

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RULES & REGULATIONS

M. Payment of Bills:

The Seller shall read meters monthly. Electric power and energy furnished hereunder shall be paid for at the office of the Seller in Seller's designated office monthly within fifteen (15) days after the bill therefor is mailed to the Member. If the Member shall fail to pay any such bill within such fifteen-day period, the Seller may discontinue delivery of electric power and energy hereunder upon fifteen (15) days' written notice to the Member of its intention so to do. Such discontinuance for non-payment shall not in any way affect the obligation of the Member to pay the minimum bill.

N. Taxes:

If there shall be imposed by Federal, State or other governmental authority, any tax payable by the Seller upon the gross revenue or earnings, or upon the production, transmission or sale of electric energy, a pro rata share of such additional tax or taxes shall be added to the monthly bill payable by the Member to the Seller. The sales tax of the State of Kentucky is not included in the Monthly Rate, but if applicable, will be paid by Member.

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RATES AND TARIFFS

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Big Rivers Electric Corporation  
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Canceling E.R.C. No. \_\_\_\_\_

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(Original) Sheet No. \_\_\_\_\_  
(Revised)

RULES & REGULATIONS

O. Energy Emergency Control Program

Purpose:

To provide a plan for reducing the consumption of electric energy on Big Rivers Electric Corporation (Company) system in the event of a severe coal shortage, such as might result from a general strike in the coal mines.

Procedures:

In the event of a potential severe coal shortage, such as one resulting from a general coal strike, the Utility shall make an inventory of their fuel stock to determine the quantity and quality of the recoverable fuel. This inventory shall be completed within the thirty (30) day period prior to the anticipated start of the emergency and the following steps will be implemented. These steps will be carried out to the extent not prohibited by contractual commitments or by order of the regulatory authorities having jurisdiction. The "days' operation" referred to below will be calculated in accordance with Appendix A, which is incorporated herein by reference from Big Rivers' Emergency Procedures filed with the Commission in Administrative Case 238. After each curtailment of electric service, the generation levels will be adjusted to the new, reduced level in the calculation of the "days' operation" of remaining coal inventory.

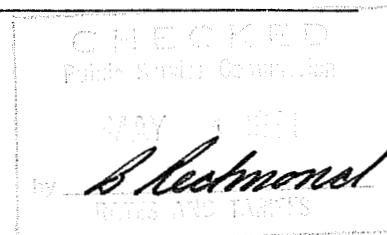
- I. To be initiated when fuel supplies are decreased to 50 days' operation of coal-fired generation and a continued downward trend in coal stocks is anticipated:

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- 1) Advise all wholesale customers of the number of days burn remaining.
  - 2) Optimize the use of non-coal-fired generation to the extent possible, except for emergency standby units.
  - 3) For individual plants significantly under 50 days' supply, modify economic dispatching procedures to conserve coal.
  - 4) Discontinue economy sales to neighboring utilities.
  - 5) Curtail the use of energy in all company offices, plants, etc.
- II. To be initiated when fuel supplies are decreased to 40 days' operation (at the daily burn rate resulting after implementation of the actions in the above Section I) of coal-fired generation and a continued downward trend in coal stocks is anticipated:
- 1) Advise all wholesale customers of the number of days burn remaining.
  - 2) At coal-fired generating plants, substitute the use of oil for coal as permitted by plant design, oil storage facilities and oil availability (except emergency standby units).
  - 3) Discontinue all short-term sales to neighboring utilities.
  - 4) Limit emergency deliveries to neighboring utilities to situations where regular customers of such utilities would otherwise be

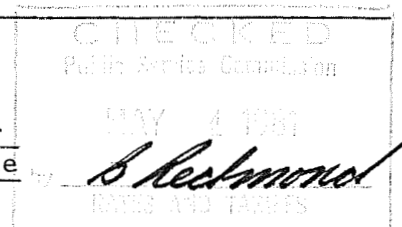
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dropped or where the receiving utility agrees to return like quantities of energy within 14 days.

- 5) Purchase energy from neighboring systems to the extent practicable.
- 6) Purchase energy from industrial customers with generation facilities to the extent practicable.
- 7) Through use of the news media and direct customer contact, appeal to all customers to voluntarily to situations reduce their use of electric energy as much as possible, and in any case endeavor to reduce the nonessential usage of electricity.

III. To be initiated -- in the order indicated below -- when fuel supplies are decreased to 30 days' operation of coal-fired plants (at the daily burn rate resulting after implementation of the actions in the above Sections I and II) and continued downward trend in coal stocks is anticipated:

- 1) Advise all wholesale customers of the number of days burn remaining.
- 2) Discontinue emergency deliveries to neighboring utilities unless the receiving utility agrees to return like quantities of energy within 7 days.

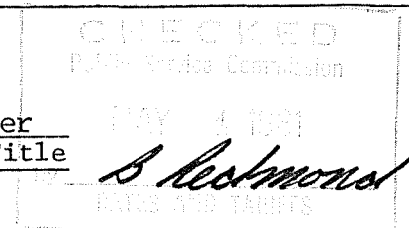
IV. To be initiated when fuel supplies are decreased to 20 days' operation of coal-fired generation (at the daily burn rate resulting after implementation of the actions in the above Sections I, II and III) and a continued downward trend in coal stocks is anticipated:

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RULES & REGULATIONS

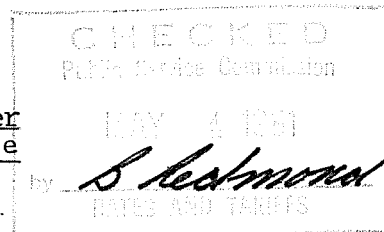
- 1) Advise all wholesale customers of the number of days burn remaining.
- V. To be initiated when fuel supplies have been decreased to a level which will result in 60 days' operation remaining for Essential Health and Safety Uses, Residential Use, and Commercial Use after all uses have been curtailed by the wholesale customers of the company to a minimum service level which is not greater than that required for protection of human life and safety, protection of physical plant facilities, and employees' security. (For Big Rivers Electric Corporation's system, this is approximately 67,000 tons.):
- 1) Advise all wholesale customers that this level of fuel supplies has been reached.
  - 2) Discontinue all emergency deliveries to neighboring utilities unless ordered otherwise by KERC or FERC.
- VI. To be initiated as a measure of last resort when fuel supplies are decreased to 15 days' operation of coal-fired generation (at the daily burn rate resulting after implementation of the actions in the above Sections I, II, III, IV, and V) and a continued downward trend in coal stocks is anticipated:
- 1) Advise all wholesale customers of the number of days burn remaining.
  - 2) As a last resort, implement load shedding procedures as required to preserve the integrity of the electrical system. This

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All Territory Served By  
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P.S.C. NO. 12

x (Original) Sheet No. 15  
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(Revised)

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procedure shall be coordinated with the wholesale customers in order to assure the minimum impact upon those services which are necessary for the protection of Human Life and Safety and for the protection of Physical Plant Facilities.

Termination of Energy Emergency:

The Energy Emergency Control Program shall be terminated upon notice to the Commission, when (a) the remaining days of operation of coal-fired generation is at least 20 days, (b) coal deliveries have been resumed, and (c) there is reasonable assurance that the coal stocks are being restored to adequate levels.

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Effective Date March 31, 1981

Issued By

W. H. Thayer General Manager  
Name Title

CHECKED  
Public Service Commission  
MAY 1 1981  
by S. Redmond  
RULES AND TARIFFS

C9-87

All Territory Served By  
For Cooperative's Transmission System

Community, Town or City

P.S.C. NO. 12

X (Original) Sheet No. 16  
(Revised)

Big Rivers Electric Corporation  
Name of Utility

Canceling No. \_\_\_\_\_

(Original) Sheet No. \_\_\_\_\_  
(Revised)

RULES & REGULATIONS

P. Cable Television Attachment

(1) Applicability:

In all territory served by Big Rivers on poles owned and used by Big Rivers for its electric plant.

(2) Availability:

To all qualified CATV operators having the right to receive service.

(3) Rental Charge:

The yearly rental charges shall be as follows:

Two-party pole attachment without ground	\$3.14	PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE JUL 3 1984
Three-party pole attachment without ground	2.23	
Two-party pole attachment with ground	3.37	ISSUANT TO ORDER OF THE SECTION 914
Three-party pole attachment with ground	2.37	
Two-party anchor attachment	5.56	BY: <u>Jonathan C. Neal</u>
Three-party anchor attachment	3.71	

(4) Billing:

Rental charges shall be billed yearly based on the number of attachments in place as of the end of the preceding calendar year. Payment is due within fifteen (15) days after the bill is mailed.

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(Revised)

Big Rivers Electric Corporation  
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(Original) Sheet No. \_\_\_\_\_  
(Revised)

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If the CATV operator shall fail to pay any such bill within such fifteen (15) day period, Big Rivers may discontinue service hereunder upon fifteen (15) days' written notice to the CATV operator of its intention to do so.

(5) Specifications:

- (a) The attachments covered by this tariff shall at all times conform to the requirements of the National Electrical Safety Code, 1981 Edition, and subsequent revisions thereof, except where the lawful requirements of public authorities may be more stringent, in which case the latter will govern.
- (b) The strength of poles covered by this agreement shall be sufficient to withstand the transverse and vertical load imposed upon them under the storm loading of the National Electrical Safety Code assumed for the area in which they are located.

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PURSUANT TO 807 KAR 510.1,  
SECTION 01(1)  
By: Jordan C. Neal

(6) Establishing Pole Use:

- (a) Before a CATV operator shall make use under this tariff of any of the facilities of Big Rivers, it shall notify Big Rivers in writing of its intent and shall comply with the procedures established by Big Rivers. The CATV operator shall furnish Big Rivers detailed construction plans and drawings, together with necessary maps, indicating the specific poles of Big Rivers upon which attachments are proposed, the number and character of the attachments to be placed on such poles, the rearrangements of Big Rivers' fixtures and equipment necessary for the attachments, any relocations or replacements of existing poles, and any additional poles required by the CATV operator.

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Name Title

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(Original) Sheet No.  
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- (b) Big Rivers shall, on the basis of such detailed construction plans and drawings, submit to the CATV operator a cost estimate (including overhead and less salvage value of materials) of all changes that may be required. Upon written notice by the CATV operator to Big Rivers that the cost estimate is approved, Big Rivers shall proceed with the necessary changes. Upon completion of all changes, the CATV operator shall have the right hereunder to make attachments in accordance with the terms of this tariff. The CATV operator shall, at its own expense, make attachments in such manner as not to interfere with the service requirements of Big Rivers.
- (c) Upon completion of all changes, the CATV operator shall pay Big Rivers the actual cost (including overhead and less salvage value of materials) of making such changes. The obligations of the CATV operator hereunder shall not be limited to amounts shown on estimates made by Big Rivers hereunder.
- (d) Any reclearing of existing rights-of-way and any tree trimming necessary for the establishment of attachments hereunder shall be performed by the CATV operator.
- (e) All poles and appurtenances to which attachments have been made under this tariff shall remain the property of Big Rivers, and any payments made by the CATV operator under this tariff for changes in Big Rivers' facilities shall not entitle the CATV operator to the ownership of any of said facilities.
- (f) Any changes necessary for correction of a substandard installation made by the CATV operator, where notice of intent had not been

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Jordan C. Keel

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W. H. Payne  
Name

General Manager  
Title

C9-87

P.S.C. NO. 12

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Big Rivers Electric Corporation  
Name of Utility

Canceling No. \_\_\_\_\_  
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(Revised)

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requested, shall be billed at an amount equal to twice the charges that would have been imposed if the attachment had been properly authorized.

(7) Easements and Rights-of-Way:

Big Rivers does not warrant nor assure to the CATV operator any rights-of-way privileges or easements, and should the CATV operator at any time be prevented from placing or maintaining its attachments on Big Rivers' poles, no liability on account thereof shall attach to Big Rivers. Each party shall be responsible for obtaining its own easements and rights-of-way.

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SECTION 8(1)

(8) Maintenance of Poles, Attachments and Operation:

BY: Jordan C. Neel

- (a) Whenever right-of-way considerations or public regulations make relocation of a pole or poles necessary, such relocation shall be made by Big Rivers at its own expense, except that each party shall bear the cost of transferring its own attachments.
- (b) Whenever it is necessary to replace or relocate a pole, Big Rivers shall, before making such replacement or relocation, give forty-eight (48) hours notice (except in cases of emergency) to the CATV operator, specifying in said notice the time of such proposed replacement or relocation, and the CATV operator shall, at the time so specified, transfer its attachments to the new or relocated pole. Should the CATV operator fail to transfer its attachments to the new or relocated pole at the time specified, Big Rivers may elect to do such work and the CATV operator shall pay Big Rivers the cost

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Name

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Big Rivers Electric Corporation  
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(Revised)

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thereof. Big Rivers shall not be liable for any consequential damages which may result therefrom.

(c) Any attachment of CATV which does not conform to the specifications set out in this tariff shall be brought into conformity herewith as soon as practical. Big Rivers reserves the right to inspect each new installation on its poles and in the vicinity of its lines or appurtenances. Such inspection, made or not, shall not operate to relieve the CATV operator of any responsibility, obligation or liability assumed under this tariff.

(d) Big Rivers reserves to itself, its successor and assigns, the right to maintain its poles and to operate its facilities thereon in such manner as will, in its own judgment, best enable it to fulfill its own service requirements. Big Rivers shall not be liable to the CATV operator for any interruption of service or for interference with the operation of its cables, wire and appliances when such conditions are caused by situations beyond Big Rivers' control.

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MAY 3 1984  
BY: Jordan C Neel

(9) Inspections:

- (a) Periodic Inspection: Any unauthorized or unreported attachment by a CATV operator will be billed at two times the amount that would have been due had the installation been made the day after the last inspection preceding discovery of the attachment.
- (b) Make-Ready Inspection: Actual expenses, plus appropriate overhead charges, incurred by Big Rivers in any "make-ready" or "walk-through"

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Name

General Manager  
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Big Rivers Electric Corporation  
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inspection required of Big Rivers will be paid for by the CATV operator.

(10) Insurance or Bond:

(a) The CATV operator shall defend, indemnify and save harmless Big Rivers from any and all damage, loss, claim, demand, suit, liability, penalty or forfeiture of every kind and nature, including, but not limited to, costs and expenses of defending against the same and payment of any settlement or judgment therefor, by reason of (1) injuries or deaths to persons, (2) damages to or destruction of properties, (3) pollutions, contaminations of or other adverse effects on the environment or (4) ~~violations of~~ <sup>COMMISSION</sup> governmental laws, regulations or orders whether suffered directly by Big Rivers itself, or indirectly by reason of claims, demands or suits against it by third parties, resulting or alleged to have resulted from acts or omissions of the CATV operator, its employees, agents, or other representatives or from their presence on the premises of Big Rivers, either solely or in concurrence with any alleged joint negligence of Big Rivers. Big Rivers shall be liable for its sole active negligence.

*Jonathan C. Neal*

- (b) The CATV operator will provide coverage as follows from a company authorized to do business in the Commonwealth of Kentucky:
1. Protection for its employees to the extent required by Worker's Compensation Laws of Kentucky.
  2. Public liability coverage with separate coverage for each town or city in which the CATV operator operates under this

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W. A. Hoyle General Manager  
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contract to a minimum amount of \$1,000,000 for each person and \$1,000,000 for each accident or personal injury or death, and \$25,000 as to the property of any one person, and \$100,000 as to any one accident of property damage.

3. Naming Big Rivers Electric Corporation as an additional insured.

(c) Before beginning operations under this tariff, the CATV operator shall cause to be furnished to Big Rivers a certificate evidencing the existence of such coverage. Each policy required hereunder shall contain a contractual endorsement written as follows:

"The insurance or bond provided herein shall also be for the benefit of Big Rivers Electric Corporation, as to guarantee, within the coverage limits, the performance by the insured of any indemnity agreement set forth in this tariff. This insurance or bond may not be cancelled for any cause without thirty (30) days advance notice being first given to Big Rivers Electric Corporation."

TO GOV. BAR 5:011,  
SECTION 9 (1)  
*Jordan C. Neel*

(11) Change of Use Provision:

When Big Rivers requires a change in its facilities for reasons unrelated to CATV operations, the CATV operator shall be given forty-eight (48) hours notice (except in cases of emergency) in order to accomplish the CATV-related changes. If the CATV operator is unable or unwilling to meet Big Rivers' time schedule for such changes, Big Rivers may do the work and charge the CATV operator its reasonable costs for performing the change of CATV attachments.

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*G. W. Hoyle*  
Name

General Manager

Title

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(12) Abandonment:

(a) Should Big Rivers decide to abandon any pole which the CATV operator is utilizing, it shall give the CATV operator notice in writing to that effect at least thirty (30) days prior to the date on which it intends to abandon such pole. If, at the expiration of said period, Big Rivers has no attachments on such pole, but the CATV operator has not removed all of its attachments therefrom, such pole shall thereupon become the property of the CATV operator, and the CATV operator shall save harmless Big Rivers from all obligation, liability, damages, cost, expenses or charges incurred thereafter, and shall pay Big Rivers for such pole an amount equal to Big Rivers' depreciated cost thereof. Big Rivers shall further evidence transfer to the CATV operator of title to the pole by means of a bill of sale. Big Rivers reserves the right to abandon and salvage any power line free and clear of any obligations to the CATV operator and upon one year's notice to the CATV operator.

(b) The CATV operator may at any time abandon the use of any pole by giving due notice thereof in writing to Big Rivers and by removing therefrom any and all attachments it may have thereon. The CATV operator shall in such case pay Big Rivers the pro rata rental for said pole for the then current billing period.

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PURSUANT TO KRS 207.5011,  
SECTION 9(1)  
*Jordan C. Neel*

(13) Rights of Others:

Upon notice from Big Rivers to the CATV operator that the use of any pole is forbidden by municipal or other public authorities or by property owners, the permit governing the use of such pole shall immediately

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terminate and the CATV operator shall remove its facilities from the affected pole at once. No refund of any rental will be due on account of any removal under these circumstances.

(14) Payment of Taxes:

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Each party shall pay all taxes and assessments lawfully levied on its own property upon said attached facilities, and the taxes and the assessments which are levied on said property shall be paid by the owner thereof, but any tax, fee or charge levied on Big Rivers' facilities solely because of their use by the CATV operator shall be paid by the CATV operator.

(15) Bond or Depositor Performance:

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SECTION 111  
*Jonathan C. Neel*

The CATV operator shall furnish bond or satisfactory evidence of contractual insurance coverage for the purposes hereinafter specified in the amount of Five Thousand Dollars (\$5,000), evidence of which shall be presented to Big Rivers fifteen (15) days prior to beginning construction. Such bond or insurance shall contain the provision that it shall not be terminated prior to three (3) months after receipt by Big Rivers of written notice of the desire of the Bonding or Insurance Company to terminate such bond or insurance. Upon receipt of such notice, Big Rivers shall request the CATV operator to immediately remove its cables, wires and all other facilities from all poles of Big Rivers. If the CATV operator should fail to complete the removal of all its facilities from the poles of Big Rivers within thirty (30) days after receipt of such request from Big Rivers, then Big Rivers shall have the right to remove them at the cost and expense of the CATV operator and without being liable for any damage to the CATV operator's wires, cables, fixtures or

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*W. H. Hoyle* General Manager  
Name Title

*C9-87*

All Territory Served By  
For Cooperative's Transmission System  
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x (Original) Sheet No. 25  
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(Revised)

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appurtenances. Such bond or insurance shall guarantee the payment of any sums which may become due to Big Rivers for rentals, inspections or work performed for the benefit of the CATV operator under this tariff, including the removal of attachments upon termination of service by any of its provisions.

(16) Use of Anchors:

Big Rivers reserves the right to prohibit the use of any anchors by the CATV operator where conditions warrant such action.

(17) Discontinuance of Service:

Big Rivers may refuse or discontinue serving an applicant or customer under the conditions set out in 807 KAR 5:006 Section 11.

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PURSUANT TO 807 KAR 5:011,  
SECTION 9(1)

BY: Jordan C. Neal

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Issued By

W. H. Hoyle General Manager  
Name Title

C9-87

All Territory Served By  
For Cooperative's Transmission System  
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P.S.C. NO. 12

Second (Original) Sheet No. 1  
(Revised)

Big Rivers Electric Corporation  
Name of Issuing Corporation

Canceling No. 12

First (Original) Sheet No. 1  
(Revised)

CLASSIFICATION OF SERVICE

1. APPLICABLE:

In all territory served by Cooperative's transmission system.

2. AVAILABILITY OF SERVICE:

Available only for service to member rural electric cooperatives subject to the special terms and conditions hereinafter set forth and to such of Cooperative's general rules and regulations on file with the Public Service Commission of Kentucky.

3. RATE SCHEDULE:

A. Monthly Delivery Point Rate:

(1) Demand charge of:

All kW of billing demand at \$6.25 per kilowatt.

(2) Plus an energy charge of:

(D) All kWh per month at \$.018849 per kWh.

(T)

PUBLIC SERVICE COMMISSION  
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EFFECTIVE

JUN 19 1985

PURSUANT TO 807 KAR 5:011,  
SECTION 9 (1)

BY: J. Geoghegan

DATE OF ISSUE May 28 1985  
Month Day Year

DATE EFFECTIVE June 1 1985  
Month Day Year

ISSUED BY W. H. Thayne General Manager P.O. Box 24, Henderson, KY  
Name of Officer Title Address

ISSUED BY AUTHORITY OF P.S.C.

ORDER NO. 9170

C5-87

All Territory Served By  
For Cooperative's Transmission System  
Community, Town or City

P.S.C. NO. 12

(Original) Sheet No. 2  
Second (Revised)

Big Rivers Electric Corporation  
Name of Issuing Corporation

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(Original) Sheet No. 2  
First (Revised)

CLASSIFICATION OF SERVICE

B. Fuel Clause:

The energy charge shall be increased or decreased by a fuel adjustment factor as follows:

(D) 
$$\frac{F}{S} - \$0.01460$$

- (1) The fuel clause shall provide for periodic adjustment per kWh of sales equal to the difference between the fuel costs per kWh sales in the base period and in the current period according to the following formula:

$$\text{Adjustment Factor} = \frac{F(m)}{S(m)} - \frac{F(b)}{S(b)}$$

Where F is the expense of fossil fuel in the base (b) and current (m) periods; and S is sales in the base (b) and current (m) periods, all defined below:

- (2) FB/SB shall be so determined that on the effective date of the Commission's approval of the utility's application of the formula, the resultant adjustment will be equal to zero (0).
- (3) Fuel costs (F) shall be the most recent actual monthly cost of:

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EFFECTIVE

DATE OF ISSUE May 28 1985  
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JUN 19 1985

DATE EFFECTIVE June 1 1985  
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PURSUANT TO 807 KAR 5:011,  
SECTION 9 (1)

ISSUED BY W. H. Thoye General Manager P. O. Box 24, Henderson, KY  
Name of Officer Title Address

ISSUED BY AUTHORITY OF P.S.C.

ORDER NO. 9170

*C5-87*