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AMENDMENT NO. 2 TO RETAIL ELECTRIC SERVICE AGREEMENT

PUBLIC SERVICE COMMISSION

THIS AMENDMENT NO. 2 TO RETAIL ELECTRIC SERVICE AGREEMENT

is made and entered into on this the 2d day of December, 1993, by and between GREEN RIVER ELECTRIC CORPORATION, a Kentucky corporation organized under K.R.S. Chapter 279, with its principal office at 3111 Fairview Drive, P.O. Box 1389, Owensboro, Kentucky 42302 ("Seller"), and GREEN RIVER COAL COMPANY, a Kentucky corporation with principal offices at 131 1/2 First Street, P.O. Box 1249, Henderson, Kentucky 42420 (hereinafter called "Consumer").

WITNESSETH:

WHEREAS, Seller and Consumer are parties to an agreement for retail electric service dated as of April 25, 1983, which was amended as of September 24, 1991 ("1983 Agreement");

WHEREAS, the 1983 agreement expires December 31, 1993, pursuant to notice given by Consumer to Seller under the terms of the 1983 agreement; and

WHEREAS, Seller and Consumer now desire to provide for electric service to Consumer after December 31, 1993, by extending the 1983 agreement by amendment upon the same terms and conditions except as provided herein;

NOW, THEREFORE, in consideration of the premises and the mutual covenants of the parties hereto, the parties agree as follows:

1. Agreement to Extend Term. Seller and Consumer agree to extend the term of the 1983 agreement upon the same terms and conditions, except as otherwise provided herein.

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2. Amendments to 1983 Agreement. Each of the paragraphs of the 1983 agreement identified below is amended to read in its entirety as follows:

A. **Maximum Demand.** Paragraph 2.04 of the 1983 Agreement is amended to read as follows:

Maximum Demand. The maximum instantaneous demand of consumer during the primary term of this Agreement, or any extension hereof, shall be 200 kW. Seller shall not be obligated to supply capacity in excess of said demand.

B. **Payment.** Paragraph 3.01 of the 1983 Agreement is amended to read as follows:

- (c) In addition to all other obligations of consumer under this agreement, consumer shall pay seller the sum of FIVE HUNDRED (\$500.00) per month.

C. **Minimum Demand.** Paragraph 3.03(b) of the 1983 Agreement is amended to read as follows:

The "minimum demand" of consumer during the primary term of this agreement, or any extension hereof, shall be 50 kilowatts. Except as provided in paragraphs 5.02(a) and 6.03(b), consumer shall pay at least the minimum monthly bill during each month of the term of this agreement.

D. **Customer Deposit.** Paragraph 3.05 of the 1983 Agreement is amended to read as follows:

Customer Deposit. As security for payment of its monthly billing obligations, Customer shall provide Seller a cash deposit or other sufficient guaranty in the sum of \$6,000.

E. **Initial Term and Renewals.** Paragraph 6.01 of the 1983 Agreement is amended to read as follows:

Initial Term and Renewals. This agreement shall remain in full force and effect until December 31, 1993, and shall on said date and monthly thereafter automatically renew for successive one-month terms upon the same terms and conditions stated herein, or any amendment hereto, until terminated by either

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BY: George Hallett
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party giving the other party at least thirty (30) days written notice prior to the effective date of such termination.

F. **Early Termination.** Paragraph 6.03 is deleted from the 1983 Agreement.

G. **Exhibit B.** Exhibit B to the 1993 Agreement is amended and replaced with "Exhibit B (Revised 1993)", attached hereto and incorporated herein.

3. **1983 Agreement.** The provisions of the 1983 Agreement shall govern performance of this amendment, except to the extent inconsistent herewith.

4. **Effective Date.** The effective date of this amendment shall be the first day of the first month following the date on which this amendment has been filed with the Public Service Commission of Kentucky and has been approved by such Commission or has otherwise become effective under the Kentucky statutes and the Commission's rules and regulations.

WITNESS the signatures of the parties hereto on this the day and date first herein written.

GREEN RIVER ELECTRIC CORPORATION

By: Dean Stanley
Dean Stanley
President and General Manager

GREEN RIVER COAL COMPANY

By: [Signature]
Title: [Signature] PUBLIC SERVICE COMMISSION
OF KENTUCKY
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ATTEST:

Title: _____

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BY: [Signature]
PUBLIC SERVICE COMMISSION MANAGER

EXHIBIT B

GREEN RIVER ELECTRIC CORPORATION
SCHEDULE OF RATES/CHARGES APPLICABLE TO
GREEN RIVER COAL COMPANY

The rates applicable to Green River Coal Company shall be the rates stated in Seller's tariff, which includes the following provisions:

The monthly delivery point rate shall be:

- (a) A demand charge of \$10.40 per kilowatt of billing demand, plus
- (b) An energy charge of 20.6506 mills per kWh consumed.

The monthly fuel adjustment charge shall be:

The energy charge in any month under the above schedule shall be increased or decreased by a fuel adjustment charge according to the following formula:

$$\frac{F^1}{P} = \text{rate applicable to each kWh sold}$$

Where F^1 is the aggregate charge from the seller's wholesale power supplier for fuel adjustment; where P is the total kWh purchased. The rate resulting from this formula shall be applied to each kilowatt hour sold in the current month. The consumer shall receive a credit in each month equal to the inter-system power sales credit received by the corporation from its wholesale power supplier attributable to the consumer's billing demand.

Billing demand for purposes of this tariff shall be the contractual billing demand in the current billing month or the highest contractual billing demand in any of the previous eleven (11) months, whichever is greater.

These rates became effective January 1, 1991.

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