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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of November 28, 2024***2012-00063**

RECEIVED: 04/02/12

FILED: 04/02/12

FINAL: 10/01/12

REOPENED:

SUSPENSION DATE:

**CASE CODE**

Construct  
 Surcharge - Environmental  
 Accounting Deferral

**UTILITIES:**

Big Rivers Electric Corporation

INTERVENORS: AG - Hans/Childers -

**HEARINGS:**

08/24/12 Formal Hearing  
 08/23/12 Formal Hearing  
 08/22/12 Formal Hearing  
 08/17/12 Teleconference  
 07/12/12 Teleconference  
 07/10/12 Teleconference  
 06/12/12 Teleconference

**INDEX OF EVENTS:**

08/12/13 POST CASE: Sierra Club's Comments on Big Rivers Electric Corporation Mercury and Air Toxic Standards Testing

07/15/13 POST CASE: BREC Report of MATS Testing

10/01/12 Order Entered:  
 1. Big Rivers is granted CPCNs to complete the conversion of Reid Unit 1 to burn natural gas (Project 6) and install activated carbon injection and dry sorbent injection systems and emission control monitors at the Coleman, Wilson, and Green Stations (Projects 8, 9, and 10).  
 2. Project 11 , consisting of installing emission control monitors at Station Two, is exempt from the CPCN requirements of KRS 278.020(1).  
 3. Big Rivers' 201 2 Plan, consisting of Projects 8, 9, 10 , and 11, is approved.  
 4. The establishment of a regulatory account for Big Rivers' actual costs associated with this case, for expenses incurred by Big Rivers up through and including August 31, 2012, which are estimated not to exceed \$900,000, is approved.  
 5. The amortization of the regulatory account over three years, including the recovery of those costs through the environmental surcharge tariff, is approved.  
 6. The revised ES Tariff is approved effective on or after the date of this Order.  
 7. The proposed ES monthly filing forms supporting the revised ES Tariff are approved.  
 8. The Settlement Agreement is approved in its entirety.  
 9. Within 10 days of the date of this Order, Big Rivers shall file revised tariff sheets setting out the ES Tariff.  
 10. Big Rivers shall promptly file with the Commission a notice and supporting analysis in the event that a new or revised environmental requirement impacts any facility in service or under construction.

09/17/12 Big Rivers 6th Update to Response Item 1 of Commission Staff Request

09/14/12 Big Rivers Updated Responses to Commission Staff and KIUC Filed 091412

09/07/12 Affidavits of Kristin Henry, Christopher Kin Leung and Shannon W. Fisk

09/04/12 Notice of Filing Hearing Documents

08/23/12 Order Entered: Sierra Club's motion for an extension of time to file its responses to the data requests of Big Rivers Electric Corporation, Kentucky Industrial Utility Customers, Inc., and Commission Staff is granted.

08/23/12 Joint Stipulation and Recommendation

08/22/12 KIUC's Motion to Dismiss

08/22/12 KIUC Motion to Deviate and Response to BREC 24-27

08/22/12 AG's Motion to Dismiss and Response to Intervenor's Motions to Dismiss

08/22/12 Sierra Club's Motion to Dismiss Big Rivers CPCN Filing and Response to Partial Support of KIUC Motion to Dismiss

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08/21/12 Memorandum dated 8/20/12 for Informal Conference of 8/17/12; Comments, if any, due 8/29/12.

08/21/12 KIUC petition for confidential treatment

08/20/12 Response e-mail to Benjamin Taylor

08/20/12 Response letter to Benjamin Taylor

08/20/12 Big Rivers 4th Update to Response Item 1 to Commission Staffs 052112 Request

08/20/12 Benjamin Taylor Comments

08/17/12 Commission Staff's Notice of Informal Conference

08/17/12 Order Entered:

1. The motion of Kenergy to intervene is granted, and Kenergy shall accept the existing procedural schedule.
2. Kenergy shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should Kenergy file documents of any kind with the Commission in the course of these proceedings, Kenergy shall also serve a copy of said documents on all other parties of record.

08/17/12 KIUC's Motion to Deviate

08/15/12 Letter to Tyson Kamuf granting Big Rivers' petition for confidentiality filed 6/15/12 for protection of certain information.

08/15/12 Letter to Tyson Kamuf granting Big Rivers' petition for confidentiality filed 6/1/12 for protection of certain information.

08/15/12 Letter to Tyson Kamuf granting Big Rivers' petition for confidentiality filed 5/30/12 for protection of certain information.

08/15/12 Letter to Tyson Kamuf granting Big Rivers' petition for confidentiality filed 5/29/12 for protection of certain information.

08/15/12 Letter to Tyson Kamuf granting Big Rivers' petition for confidentiality filed 5/24/12 for protection of certain information.

08/15/12 Letter to Tyson Kamuf granting Big Rivers' petition for confidentiality filed 4/26/12 for protection of certain information.

08/15/12 Big Rivers Updated Responses to Selected Data Requests

08/14/12 Big Rivers Proof of Publications

08/14/12 Big River Electric Corporation Rebuttal Testimony

08/13/12 Kenergy Corp.'s Motion to Intervene

08/13/12 Sierra Club's Supplemental Response to Big Rivers 1st Request for Info

08/13/12 Big Rivers CD Response to Commission Staff, AG, Sierra Club, and KIUC 060112  
[http://psc.ky.gov/Home/Library?type=Cases&folder=2012 Cases/2012-00063](http://psc.ky.gov/Home/Library?type=Cases&folder=2012%20Cases/2012-00063)

08/13/12 Sierra Club's Supplemental Response to Big Rivers 1st Request for Information

08/10/12 KIUC supplemental responses to Ben Taylor and Sierra Club first request for information

08/08/12 Sierra Club's Response to KIUC Request for Information

08/08/12 KIUC Responses to Big Rivers Electric Corporation and Commission Staff Data Requests (DVD) and Confidential (DVD)

08/07/12 Ben Taylor and Sierra Club's Motion for Extension of Time to File Objections and Responses to Big Rivers First Request for Information and Responses to KY Public Service Commission and KIUC

08/07/12 KIUC's Responses to Big Rivers Electric Corporation, Commission Staff, and Ben Taylor and Sierra Club's First Requests for Information

08/07/12 Sierra Club's Response to Commission Staff First Data Request Confidential Information

08/07/12 Sierra Club's Response to Big Rivers Request for Information

08/07/12 Sierra Club Response to Commission Staff Requests for Information

08/07/12 Ben Taylor and Sierra Club's Motion to Deviate From Filing Requirements with Respect to Their Responses to KIUC and Commission Staff First Requests for Information

08/06/12 Sierra Club Response to KIUC First Data Request-Confidential Version

08/03/12 Order Entered: Big Rivers' motion to deviate from the filing requirements of Commission Staffs June 22, 2012 Second Request for Information is granted to the extent that Big Rivers may file in electronic format the ten copies of its attachments to the responses of the discovery requests identified herein. 2. Within ten days of the date of this Order, Big Rivers shall file with the Commission in paper format the original attachment responses to Item 6 of Commission Staffs Second Request for Information; Items 3, 44g, and 60 of KIUC's Second Request for Information; and Item 27c.ii of Sierra Club's Second Request for Information.

08/03/12 Order Entered: Big Rivers' motion to deviate from the filing requirements of the May 21, 2012 Commission Staffs First Request for Information is granted to the extent that Big Rivers may file in

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electronic format the ten copies of its attachments to the responses of the discovery requests identified herein. 2. Big Rivers shall file one original of the attachments identified herein in paper format within ten days of the date of this Order.

08/01/12 Memorandum dated 7/31/12 for Informal Conference of 7/12/12; Comments, if any, due 8/8/12

07/31/12 KIUC 1st Set of Data Requests to Sierra Club

07/30/12 Commission Staff's First Request for Information to Ben Taylor and Sierra Club

07/30/12 Commission Staff's First Request for Information to Kentucky Industrial Utility Customers, Inc.

07/30/12 Big Rivers Motion for Deviation

07/30/12 Movants Request to KIUC for Information

07/30/12 Big Rivers First Request for Info to KIUC

07/27/12 Big Rivers Witness Substitution Table

07/24/12 Letter to Tyson Kamuf requesting a re-file of the confidential materials or a Motion to Deviate

07/24/12 Sierra Club Affidavits of Wilson and Steinhurst with Conf Version

07/24/12 Sierra Club Direct Testimony of Wilson and Steinhurst

07/24/12 KIUC Direct Testimony of Kollen and Hayet and Baron with Conf Attachments

07/18/12 Order Entered:

(1) KIUC's motion for an extension of time is granted.

(2) The procedural schedule established by the Commission's June 19, 2012 Order is amended to the limited extent of extending the deadline for the filing of intervenor testimony to no later than July 23, 2012, and extending the deadline for the filing of information requests to intervenors to no later than July 30, 2012.

3. All other provisions of the June 19, 2012 Order remain in full force and effect.

07/16/12 Big Rivers Electric Corporation's Updated Responses to Information Requests

07/12/12 KIUC Motion for Extension and Request for IC

07/06/12 Big Rivers Response to KIUC 2nd Request for Info dtd 062212

07/06/12 Big Rivers Response to Commission Staffs 2nd Request for Info dtd 062212

07/06/12 Big Rivers Petition for Confidential Protection

07/06/12 Big Rivers Response to Sierra Club 3rd Request for Info dtd 062712

07/06/12 Big Rivers Response to Sierra Club 2nd Request for Info dtd 062712

07/06/12 Big Rivers Response to KIUC 3rd Request for Info dtd 062212

07/06/12 Big Rivers Response to AG 2nd Request for Info dtd 062112

07/06/12 Big Rivers Supplemental Response to Item 40 of KIUC 1st Request for Info

07/06/12 Big Rivers Motion for Deviation

06/28/12 Order Entered: Shannon Fisk and Christopher Kin Leung are admitted pro hac vice for the purpose of representing Intervenor Sierra club in the above-styled proceeding, provided that Joe F. Childers or another member of the Kentucky Bar Association acts as co-counsel and is present at any and all proceedings before this Commission.

06/28/12 KIUC's 3rd Set of DR to Big Rivers

06/27/12 Intervenor's 3rd Set of Requests for Info to Big Rivers

06/25/12 KIUC's Supplemental Set of DR to Big Rivers

06/22/12 Commission Staff's Second Request for Information to big Rivers Electric Corporation

06/22/12 Intervenor's Requests for Info to Big Rivers with Confidential Information

06/21/12 Order Entered: Kristin Henry is admitted pro hac vice for the purpose of representing Intervenor Sierra Club in the above-styled proceeding, provided that Joe F. Childers or another member of the Kentucky Bar Association acts as co-counsel and is present at any and all proceedings before this Commission.

06/21/12 Big Rivers Petition for Confidential Treatment

06/21/12 AG's Supplemental Data Requests to Big Rivers

06/20/12 Motion for Admission Pro Hac Vice

06/19/12 Order Entered:

(1) Intervenor's joint motion to compel is denied as moot.

(2) Intervenor's joint motion to stay the procedural schedule is denied.

(3) The procedural schedule attached as an appendix to this Order shall be followed in this case. This schedule shall supersede the procedural schedule appended to the Commission's April 30, 2012 Order.

(4) The official record of this proceeding shall be by video only.

(5) Big Rivers shall publish newspaper notice of the public hearing in accordance with the provisions of 807 KAR 5:011, Section 8(5).

(6) Any request to cancel or postpone this hearing shall be made by motion filed with the Commission at least one week before the hearing is scheduled to commence.

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06/15/12 Memorandum dated 06/15/12 for Telephonic Informal Conference of 06/12/12 ; Comments, if any, due 6/22/12.

06/15/12 Big Rivers Updated Response to Commission Staff Request and KIUC Item 43 with Conf Petition

06/14/12 Big Rivers Electric's Petition for Confidential Treatment

06/12/12 Joint Motion to Stay Procedural Schedule

06/11/12 Big Rivers Electric Response to Intervenors Joint Motion to Compel

06/08/12 Big Rivers Electric Revised Responses to AG and SC with Confidential Petition w/CD

06/07/12 Sierra Club's Motion to Admit Pro Hac Vice of Kristin Henry

06/06/12 Joint Motion To Compel or Issue Subpoena Duces Tecum

06/04/12 Big Rivers Petition for Confidential Treatment with CD to Jcline

06/01/12 Big Rivers Responses to KIUC, AG, Sierra Club & Commission's 1st Request for Info with Conf Petition and Motion to Deviate

05/30/12 Big Rivers Petition for Confidential Protection with CD to Jcline

05/29/12 Big Rivers Petition for Confidential Protection with CD's to Jcline

05/24/12 Big Rivers Response to KIUC Request for Information with Confidential Petition with CD

05/22/12 KIUC's 1st Set of DR to Big Rivers

05/21/12 Commission Staff's First Request for Information to Big Rivers Electric Corporation

05/21/12 Order Entered: (1) The motion of Ben Taylor and the Sierra Club to intervene is granted, and Ben Taylor and the Sierra Club shall accept the existing amended procedural schedule. (2) Ben Taylor and the Sierra Club shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. (3) Should Ben Taylor and the Sierra Club file documents of any kind with the Commission in the course of these proceedings, Ben Taylor and the Sierra Club shall also serve a copy of said documents on all other parties of record.

05/21/12 Ben Taylor and Sierra Club's Initial Requests for Information to Big Rivers

05/21/12 Attorney General's Initial Data Requests

05/07/12 Petition of Ben Taylor and Sierra Club For Full Intervention

05/04/12 Big Rivers' revised and redlined proposed environmental surcharge tariff and related tariff sheets

05/03/12 Order Entered: KIUC's and the AG's motions to dismiss are denied.

05/03/12 KIUC Reply to Big Rivers Response to Motion to Dismiss

04/30/12 Order Entered:

1. Big Rivers Electric Corporation ("Big Rivers") shall re-file its proposed ES Tariff, which was sponsored as an exhibit by one of Big Rivers' witnesses, Mr. John Wolfram, as Exhibit Wolfram-2 and Exhibit Wolfram-3, to reflect an effective date of October 2, 2012, in accordance with KRS 278.183(2).
2. The procedural schedule set forth in the Appendix herein shall be followed.
3. a. Responses shall be appropriately bound, tabbed and indexed, with copies to all parties of record and an original and seven copies to the Commission.
- b. Each response shall be answered under oath.
- c. Any party shall make timely amendment to any prior response.
- d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.
4. All parties shall respond to any interrogatories and requests for production of documents that Commission Staff submits in accordance with the procedural schedule set forth in the Appendix.
5. Any party filing testimony shall file an original and ten copies.
6. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.
7. Motions for extensions of time with respect to the schedule herein shall be made in writing.
8. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

04/26/12 Big Rivers Response to KIUC's Motion to Dismiss w/Confidential Petition

04/25/12 Attorney General's Motion to Dismiss

04/23/12 KIUC's Motion to Dismiss

04/18/12 Order Entered: The motion of KIUC to intervene is granted. 2. KIUC shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. Should KIUC file documents of any kind with the Commission in the course of these proceedings, KIUC shall also serve a copy of said documents on all other parties of record.

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04/12/12 Order Entered: Motion is granted and the Attorney General is hereby made a party to these proceedings.

04/12/12 KIUC's Petition to Intervene

04/10/12 No deficiency letter

04/04/12 AG's Motion to Intervene

04/02/12 Acknowledge Receipt of Filing

04/02/12 Application of Big Rivers Electric Corporation for Approval of its 2012 Environmental Compliance Plan, For Approval of its Amended Environmental Cost Recovery Surcharge Tariff, For Certificates of Public Convenience and Necessity, and For Authority to Establish a Regulatory Account

02/28/12 Acknowledge Receipt of Filing

02/28/12 Notice of Intent of Big Rivers Electric Corporation to File Application Seeking Approval of Its 2012 Environmental Compliance Plan, Revisions to Environmental Surcharge Tariff and Certificates of Public Convenience and Necessity for Pollution Control Capital Construction Projects

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Total Number of Cases: 1