

P.S.C. KY. NO. 14

CANCELS P.S.C. KY. NO. 13

BIG RIVERS ELECTRIC CORPORATION

OF

HENDERSON, KENTUCKY

RATES, RULES AND REGULATIONS FOR FURNISHING

ELECTRIC SERVICE

AT

BRECKINRIDGE, 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
OF KENTUCKY

Issued December 21, 19 88 Effective January 1, 1989

**PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE**

Issued By Big Rivers Electric Corporation
(Name of Utility)

JAN 1 1989

By *W. H. Thayer*
General Manager

**PURSUANT TO 207 KAR 5:011,
SECTION 9(1)**

BY: *Thayer*
PUBLIC SERVICE COMMISSION MANAGER

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Revised Sheet No. 1

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RULES & REGULATIONS

A. SPECIAL RULES - ELECTRIC SERVICE

1. Billing Demand:

For each delivery point for which there is an established Contract Demand, where demand cannot by contract exceed the Contract Demand level by more than two percent without Big Rivers' permission, the Billing Demand in kilowatts shall be Member's maximum integrated thirty-minute demand at such delivery point during each billing month, determined by meters which record at the end of each thirty-minute period the integrated kilowatt demand during the preceding thirty minutes, or the Contract Demand, whichever shall be greater. For all other delivery points, the Billing Demand in kilowatts shall be Member's maximum integrated thirty-minute demand at such delivery point during each billing month, determined by meters which record at the end of each thirty-minute period the integrated kilowatt demand during the preceding thirty minutes, or such maximum integrated thirty-minute demand achieved during any one of the eleven preceding months (except for December 1989, the lower of November 1989 ratcheted Billing Demand or December 1989 metered demand shall be used for all non-industrial delivery points), or the Contract Demand, whichever shall be greater.

(R)

2. Contract Demand:

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

3. 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.

4. 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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SECTION 9 (1)
BY: George Miller
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5. 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.

6. 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.

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7. 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.

PURSUANT TO 807 KAR 5:011,
SECTION 17(1)
BY W. A. Thayer
PUBLIC SERVICE COMMISSION MANAGER

8. Meter Testing and Billing Adjustment:

The Seller shall test and calibrate meters in accordance with the provisions of 807 KAR 5:041, Sections 15 and 17. The Seller shall also make special meter tests at any time at the Member's request. The costs

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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.

9. 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.

10. 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 percent (85%) leading or lagging.

11. 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.

12. 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,

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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.

13. 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 on the fifteenth (15th) day of the month following service or on the next business day should this day fall on a Saturday, Sunday or a holiday. If the Member shall fail to pay any such bill within such prescribed 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.

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14. Energy Emergency Control Program:

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a. 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.

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b. 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 its 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

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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.

(1) 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:

(a) Advise all wholesale customers of the number of days burn remaining.

(b) Optimize the use of non-coal-fired generation to the extent possible, except for emergency standby units.

(c) For individual plants significantly under 50 days supply, modify economic dispatching procedures to conserve coal.

(d) Discontinue economy sales to neighboring utilities.

(e) Curtail the use of energy in all company offices, plants, etc.

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(2) 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 (1) of coal-fired generation and a continued downward trend in coal stocks is anticipated:

(a) Advise all wholesale customers of the number of days burn remaining.

(b) At coal-fired generating plants, substitute the use of oil for coal as permitted by plant design, oil storage

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facilities and oil availability (except emergency standby units).

- (c) Discontinue all short-term sales to neighboring utilities.
- (d) Limit emergency deliveries to neighboring utilities to situations where regular customers of such utilities would otherwise be dropped or where the receiving utility agrees to return like quantities of energy within 14 days.
- (e) Purchase energy from neighboring systems to the extent practicable.
- (f) Purchase energy from industrial customers with generation facilities to the extent practicable.
- (g) Through use of the news media and direct customer contact, appeal to all customers to voluntarily reduce their use of electric energy as much as possible, and in any case endeavor to reduce the nonessential usage of electricity.

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- (3) 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 (1) and (2) and continued downward trend in coal stocks is anticipated:
- (a) Advise all wholesale customers of the number of days burn remaining.
- (b) Discontinue emergency deliveries to neighboring utilities unless the receiving utility agrees to return like quantities of energy within seven days.
- (4) 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

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Sections (1), (2), and (3) and a continued downward trend in coal stocks is anticipated:

- (a) Advise all wholesale customers of the number of days burn remaining.
- (5) 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.

- (a) Advise all wholesale customers that this level of fuel supplies has been reached.

- (b) Discontinue all emergency deliveries to neighboring utilities unless so ordered otherwise by KPSC or FERC.

- (6) 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 (1), (2), (3), (4), and (5) and a continued downward trend in coal stocks is anticipated:

- (a) Advise all wholesale customers of the number of days burn remaining.

- (b) As a last resort, implement load shedding procedures as required to preserve the integrity of the electrical system. This 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.

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c. Termination of Energy Emergency:

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

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B. SPECIAL RULES - CABLE TELEVISION ATTACHMENT

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1. Establishing Pole Use:

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

- 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 on such poles, the rearrangements of Big Rivers' fixtures and equipment necessary for the attachments, and relocations or replacements of existing poles, and any additional poles required by the CATV operator.
- 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

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

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2. 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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3. Maintenance of Poles, Attachments and Operation:

- 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,

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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 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, wires and appliances when such conditions are caused by situations beyond Big Rivers' control.

4. 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" inspection required of Big Rivers will be paid for by the CATV operator.

5. Insurance or Bond:

- a. The CATV operator shall defend, indemnify and save harmless Big Rivers from any and all damage, loss, claim, demand, suit,

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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 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.

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 Workers' Compensation Laws of Kentucky.

(2) Public liability coverage with separate coverage for each town or city in which the CATV operator operates under this 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, so as to guarantee, within the coverage limits, the performance by the insured of any indemnity agreement

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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."

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6. 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.

**BY: *[Signature]*
PUBLIC SERVICE COMMISSION MANAGER**

7. 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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8. 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 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.

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9. Payment of Taxes:

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.

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BY [Signature]
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10. Bond or Depositor Performance:

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 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.

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11. Use of Anchors:

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

12. 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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CLASSIFICATION OF SERVICE

A. ELECTRIC 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. RATES:

a. For all aluminum smelter delivery points, a Monthly Delivery Point Rate consisting of the Variable Aluminum Smelter Rate as detailed in Item 6 herein.

b. For all other delivery points, a Monthly Delivery Point Rate consisting of:

(1) A Demand Charge of:

(I) All kW of billing demand at \$10.15 per kilowatt.

Plus,

(2) An Energy Charge of:

(I) All kWh per month at \$0.0181506 per kWh.

c. Fuel Clause:

The Energy Charge shall be increased or decreased by a fuel adjustment factor as follows:

$\frac{F}{S} - \$0.01295$

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BY: *Steve Miller*
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CLASSIFICATION OR SERVICE

A. ELECTRIC 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. RATES:

- a. For all aluminum smelter delivery points, a Monthly Delivery Point Rate consisting of the Variable Aluminum Smelter Rate as detailed in Item 6 herein.
- b. For all other delivery points, a Monthly Delivery Point Rate consisting of:

(1) A Demand Charge of:

(I) All kW of billing demand at \$8.80 per kilowatt.

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Plus,

(2) An Energy Charge of:

(I) All kWh per month at \$0.017755 per kWh.

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BY: George H. Lee
PUBLIC SERVICE COMMISSION MANAGER

c. Fuel Clause:

The Energy Charge shall be increased or decreased by a fuel adjustment factor as follows:

$$\frac{F}{S} - \$0.01295$$

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- (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) F(b)/S(b) 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:
- (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

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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.

(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) intersystem 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. To facilitate the prompt mailing of bills, the fuel adjustment amount for any billing month shall

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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.

d. 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 Commonwealth of Kentucky is not included in the Monthly Rate, but if applicable, will be paid by Member.

e. Economic Development:

(N)

To encourage better utilization of the existing system and to promote economic expansion within the service area, an Economic Development Rate (EDR) is available to distribution cooperatives for industrial development purposes through special negotiated contracts as provided by the Public Service Commission Order dated September 24, 1990, to Administrative Case 327.

4. MINIMUM BILL:

The minimum monthly bill for each delivery point shall not be less than the Demand Charge multiplied by the 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, 2023, and thereafter until terminated by either party giving to the other not less than six months' written notice of its intention to terminate.

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SECTION 9 (1)

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MANAGER

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Issued By *W. H. Hoyle* General Manager P.O. Box 24, Henderson, KY 42420
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Issued By Authority of PSC Order No. ADM 327

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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.

d. 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 Commonwealth of Kentucky is not included in the Monthly Rate, but if applicable, will be paid by Member.

e. Economic Development:

To encourage better utilization of the existing system and to promote economic expansion within the service area, an Economic Development Rate (EDR) is available to distribution cooperatives for industrial development purposes. Any member cooperative customer who enters into a 10-year contract for a new service, or an increase in existing contract demand, which will increase Big Rivers' load by at least 1,000 kW of Billing Demand each month, will be eligible for the EDR. The EDR will consist of a Demand Credit determined as follows:

For sixty consecutive months, beginning with the first month that customer's increased metered demand exceeds 1,000 kW, or at a date specified in the contract, whichever shall first occur, a Demand Credit will be applicable to customer's power usage, and will be equal to the product of the increased metered demand times the Demand Charge as stated in Section 3b(1) of this rate schedule, as it may be modified from time to time, multiplied by the following applicable percentage:

- (1) 50% for the first twelve consecutive months of the credit period.
- (2) 40% for the second twelve consecutive months of the credit period.

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 PUBLIC SERVICE COMMISSION MANAGER

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(T) 6. ALCAN SMELTER RATE

a. AVAILABILITY:

This schedule is available to Henderson-Union R.E.C.C. for sales for resale to the Alcan Aluminum Corporation ("Alcan") primary aluminum smelter located in Sebree, Kentucky, served by Big Rivers Electric Corporation ("Big Rivers"). This schedule only covers purchases for primary aluminum reduction and associated facilities. It does not cover purchases for later resale or use in fabrication.

b. TERMS OF THE RATE:

This rate schedule shall take effect on January 1, 1990, and shall terminate at midnight August 31, 1997. Notwithstanding any other agreement, this rate schedule shall remain in effect during the entire term hereof, without modification, subject only to changes under Section 6.f. and 6.h. of this rate schedule. Upon termination of this rate schedule, the rates shall be those applicable to all other delivery points under Section 3.b. of this tariff unless otherwise determined.

c. RATES:

(1) Base Variable Aluminum Smelter Rates:

(a) Demand Rate:

\$8.80 per kilowatt of Contract Demand for the period from January 1, 1990 through December 31, 1990, and thereafter \$10.15 per kilowatt of Contract Demand.

(b) Pivot Energy Rate:

32.0 mills per kilowatt-hour of billing energy at the Pivot Aluminum Price.

(2) Lower Rate Limit:

18.1 mills per kilowatt-hour of billing energy.

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BY: *George Salter*
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- (3) 30% for the third twelve consecutive months of the credit period.
- (4) 20% for the fourth twelve consecutive months of the credit period.
- (5) 10% for the fifth twelve consecutive months of the credit period, and none thereafter.

Big Rivers reserves the right to terminate the availability of this EDR at any time, upon its determination that it no longer has sufficient available capacity, or that the EDR no longer serves a useful purpose, but such termination shall not impair the EDR previously granted by contract.

(N) f. Time of Day Rate:

This rate is limited to the addition of new or expanded industrial off-peak power usage within the service area. A Time of Day Rate (TDR) is available to distribution cooperatives for incremental load at industrial delivery points as defined in 1.a.(2). Such rate will apply during the eight-hour period beginning 10:01 p.m. and ending at 6:00 a.m. Any request for consideration of the TDR must be submitted to Big Rivers in writing and will become effective only upon Big Rivers' approval. Upon approval by Big Rivers, the 30-minute kW demand during these hours will not be used to determine the Billing Demand. Energy associated with the capacity used during this time of day in excess of the Billing Demand shall be considered TDR energy and shall be billed at a rate equal to 125 percent of the rate in Section 3.b.(2). This rate will be subject to the fuel adjustment clause as defined in A.3.c.

Big Rivers reserves the right to terminate the availability of this TDR at any time.

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(T) (3) Upper Rate Limit:

44.0 mills per kilowatt-hour of billing energy.

(4) Pivot Aluminum Price:

62 cents per pound.

(5) Formula Rates:

The Alcan Smelter Rate is a formula tied to the average monthly "MW U.S. Trans" price of aluminum as reported in Metals Week, for the month prior to the month charges are incurred ("monthly billing aluminum price"). Subject to Section 6.c.(6) of this rate schedule, the monthly energy charge varies in response to changes in the monthly billing aluminum price.

(a) Reductions to Pivot Energy Rate:

When the monthly billing aluminum price is less than the Pivot Aluminum Price, the monthly energy rate charge shall be the greater of:

1. The Pivot Energy Rate minus (P-MAP) x LS where:

P = the Pivot Aluminum Price as stated in Section 6.c.(4) of this rate schedule.

MAP = the monthly billing aluminum price in cents per pound determined pursuant to Section 6.g.(1)(a) of this schedule.

LS = the lower slope of 0.8 mills per kilowatt-hour.

or

2. The Lower Rate Limit as stated in Section 6.c.(2) of this rate schedule.

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(T) (b) Increases to Pivot Energy Rate Charge:

When the monthly billing aluminum price is greater than the Pivot Aluminum Price, the monthly energy rate shall be the lesser of:

1. The Pivot Energy Rate plus (MAP-P) x US where:

P = the Upper Pivot Aluminum Price as stated in Section 6.c.(4) of this rate schedule.

MAP = the monthly billing aluminum price in cents per pound determined pursuant to Section 6.g.(1)(a) of this schedule.

US = the upper slope of 0.7 mills per kilowatt-hour.

or

2. The Upper Rate Limit, as stated in Section 6.c.(3) of this rate schedule.

(6) Terminal Rates:

If the Balancing Account is terminated pursuant to Section 6.e.(3) of this rate schedule, Alcan shall pay the following Terminal Rates in lieu of the rates specified in Section 6.c.(1)-(5) of this rate schedule:

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BY: *George S. Bell*
PUBLIC SERVICE COMMISSION MANAGER

(a) Demand Rate:

For the remainder of the term of this rate schedule, the Demand Charge of Alcan shall be reduced to zero dollars for Contract Demand, except for adjustments pursuant to Section 6.f., and shall be the rate applicable to all other delivery points under Section 3.b. of this tariff for any additional demand.

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(T) (b) Energy Rate:

For the amount of energy consumed in each month up to 100 percent of Contract Demand, Alcan shall pay at an Energy Rate equal to 18.1 mills per kWh, subject to adjustments pursuant to Section 6.f. and Section 6.h. of this rate schedule.

d. CHARGES:

(1) Demand Charge:

Each month Alcan shall pay a Demand Charge, based on the rate as stated in Section 6.c.(1)(a) of this rate schedule, times the Contract Demand, pursuant to Alcan's current contract. For the amount of energy consumed in each month, Alcan shall be credited a demand charge credit computed as the Demand Rate converted to mills per kilowatt-hour at a 99 percent load factor multiplied by the number of kilowatt hours consumed. Upon termination of the Balancing Account pursuant to Section 6.e.(3) of this rate schedule, Alcan shall pay a Demand Charge based on the rate as stated in Section 6.c.(6) of this rate schedule and shall not receive a demand charge credit.

(2) Energy Charge:

Each month Alcan shall pay an Energy Charge at a rate provided in Section 6.c.(5) or (6) of this rate schedule multiplied by the number of kilowatt-hours consumed up to a maximum of 100 percent of Contract Demand.

e. BALANCING ACCOUNT:

The Balancing Account is a cumulative bookkeeping entry to record the difference between the Energy Charge under the variable rate and 29.1285 mills per kilowatt-hour.

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(T) (1) Balance:

At the end of each month: (i) The difference between the Energy Rate as stated in Section 6.c.(5) of this rate schedule (prior to any adjustments pursuant to Section 6.f. and Section 6.h. hereof) less 29.1285 mills per kWh multiplied by the number of kWh purchased in that month up to the lesser of 315 MW or 100 percent of the Contract Demand shall be added to (subtracted from) the Balancing Account; and (ii) the credit (debit) under Section 6.e.(2) of this rate schedule for the immediately preceding month shall be subtracted from (added to) the Balancing Account. As soon as the Terminal Rates under Section 6.c.(6) become effective, no more credits (debits) shall be added to the balance.

(2) Distribution:

Subject to Section 6.e.(3) of this rate schedule, each month Alcan shall receive a credit (debit) on its monthly bill equal to the positive (negative) balance in the Balancing Account divided by the number of months remaining under this rate schedule, inclusive of the billing month and August 1997.

(3) Termination:

The Balancing Account shall be terminated and shall be of no further force or effect if: The cumulative amounts under the Demand Charge less the Demand Charge Credit in Section 6.d.(1), plus the cumulative amounts under the Energy Charge in Section 6.d.(2), less the credits (plus the debits) under Section 6.e.(2) of this rate schedule (prior to any adjustments pursuant to Section 6.f. and Section 6.h. hereof) paid by Alcan for energy purchased on or after January 1, 1990, up to the lesser of 315 MW or 100 percent of Contract Demand, minus Big Rivers' cumulative operating costs, computed at 18.1 mills per kWh, for all such energy purchased by Alcan, equal \$232,231,667, based upon a Contract Demand of 315 MW. The amount of \$232,231,667 shall be adjusted

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(T) downward to reflect any reduction in Alcan's Contract Demand below 315 MW. If the amount of \$232,231,667 is reduced by a reduction of the Contract Demand after the Terminal Rates have come into effect, the resulting difference shall then be refunded by Big Rivers to Alcan by giving Alcan a monthly credit equal to the aforesaid difference divided by the number of months remaining at the time such reduction becomes effective, inclusive of the billing month and August 1997.

f. ADJUSTMENTS FOR LEGISLATION OR REGULATORY ACTION:

The Demand Rate under Sections 6.c.(1)(a) and 6.c.(6) of this rate schedule shall be adjusted to reflect the least cost payment by Big Rivers of prudently incurred fixed expenditures due to legislation or regulatory action (e.g., acid rain, taxes).

Prior to the termination of the Balancing Account, the Lower Rate Limit, the Pivot Energy Rate, and the Upper Rate Limit shall be adjusted to reflect payment by Big Rivers for prudently incurred expenditures (whether fixed or variable) due to legislation or regulatory action (e.g., acid rain, taxes). After termination of the Balancing Account, the Energy Rate under Section 6.c.(6)(b) shall be adjusted to reflect payment by Big Rivers for prudently incurred variable expenditures due to legislation or regulatory action (e.g., acid rain, taxes).

g. RATE PARAMETERS AND ADJUSTMENTS:

(1) Monthly Average Aluminum Price Determination:

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BY: *George S. Nee*
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Calculation of the Monthly Billing Aluminum Price:

The monthly billing aluminum price shall be determined monthly. For purposes of this rate schedule, the monthly billing aluminum price shall be the average U.S. Mid West Transactions Price reported for the previous month by Metals Week, in cents per pound.

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(T) (b) Changes in Aluminum Price Indicators:

In the event that Big Rivers Electric Corporation or Alcan determines that factors outside its control have rendered Section 6.g.(1)(a) unusable as an approximation of the U.S. market price for aluminum, Big Rivers Electric Corporation and Alcan shall develop and submit to the appropriate regulatory bodies a substitute indicator for determining the Monthly Billing Aluminum Price.

(c) Dispute Resolution:

If Big Rivers and Alcan despite reasonable efforts cannot agree on a substitute indicator, the Public Service Commission shall denominate an indicator.

h. FUEL ADJUSTMENT CLAUSE:

The Energy Charge shall be increased or decreased by a Fuel Adjustment Factor as follows:

$$\frac{F}{S} - \$.01295$$

(1) Fuel costs (F) shall be the most recent actual monthly cost

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BY: *George S. Miller*
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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

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- (T) (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.
- (2) Forced outages are all nonscheduled losses for 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.
- (3) Sales (S) shall be all kilowatts 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 h.(1)(d) above, less (vi) total system losses. Utility-used energy shall not be excluded in the determination of sales (S).

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BY *[Signature]*
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Name Title Address

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- (T) (4) 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.

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 Alcan in the preceding months.

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BY: *George S. Miller*
PUBLIC SERVICE COMMISSION MANAGER

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(T) 7. NSA SMELTER RATE:

a. AVAILABILITY:

This schedule is available to Green River Electric Corporation for sales for resale to the National-Southwire Aluminum Company ("NSA") primary aluminum smelter located in Hawesville, Kentucky, served by Big Rivers Electric Corporation ("Big Rivers"). This schedule only covers purchases for primary aluminum reduction and associated facilities. It does not cover purchases for later resale or use in fabrication.

b. TERMS OF THE RATE:

This rate schedule shall take effect on April 1, 1990 and shall terminate at midnight August 31, 1997. Notwithstanding any other agreement, this rate schedule shall remain in effect during the entire term hereof, without modification, subject only to changes under Section 7.f. and 7.h. of this rate schedule. Upon termination of this rate schedule, the rates shall be those applicable to all other delivery points under Section 3.b. of this tariff unless otherwise determined.

c. RATES:

(1) Initial Rates:

The following Initial Rates for NSA shall be effective from April 1, 1990 through December 31, 1990.

(a) Initial Demand Rate:

\$8.80 per kilowatt of Contract Demand.

(b) Initial Energy Rate:

29.1285 mills per kWh for all energy purchased up to NSA's Contract Demand, provided that for all energy purchased under the Variable Aluminum Smelter Rate from January 1, 1990 through March 31, 1990, all Energy

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(T) Charges received greater than 29.1285 mills per kWh shall be divided by nine (9), and NSA shall receive nine equal monthly credits for the billing months of April 1990 through December 1990.

(2) Base Variable Aluminum Smelter Rates:

(a) Demand Rate:

Effective January 1, 1991, \$10.15 per kilowatt of Contract Demand.

(b) Pivot Energy Rate:

32.0 mills per kilowatt-hour of billing energy at the Pivot Aluminum Price.

(3) Lower Rate Limit:

18.1 mills per kilowatt-hour of billing energy.

(4) Upper Rate Limit:

44.0 mills per kilowatt-hour of billing energy.

(5) Pivot Aluminum Price:

62 cents per pound.

(6) Formula Rates:

The NSA Smelter Rate is a formula tied to the average monthly "MW U.S. Trans" price of aluminum as reported in Metals Week, for the month prior to the month charges are incurred ("monthly billing aluminum price"). Subject to Section 7.c.(7) of this rate schedule, the monthly energy charge varies in response to changes in the monthly billing aluminum price.

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(T) (a) Reductions to Pivot Energy Rate:

When the monthly billing aluminum price is less than the Pivot Aluminum Price, the monthly energy rate charge shall be the greater of:

1. The Pivot Energy Rate minus (P-MAP) x LS where:

P = the Pivot Aluminum Price as stated in Section 7.c.(5) of this rate schedule.

MAP = the monthly billing aluminum price in cents per pound determined pursuant to Section 7.g.(1)(a) of this schedule.

LS = the lower slope of 0.8 mills per kilowatt-hour.

or

2. The Lower Rate Limit as stated in Section 7.c.(3) of this rate schedule.

(b) Increases to Pivot Energy Rate Charge:

When the monthly billing aluminum price is greater than the Pivot Aluminum Price, the monthly energy rate shall be the lesser of:

1. The Pivot Energy Rate plus (MAP-P) x US where:

P = the Upper Pivot Aluminum Price as stated in Section 7.c.(5) of this rate schedule.

MAP = the monthly billing aluminum price in cents per pound determined pursuant to Section 7.g.(1)(a) of this schedule.

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(T) US = the upper slope of 0.7 mills per kilowatt-hour.

or

2. the Upper Rate Limit, as stated in Section 7.c.(4) of this rate schedule.

(7) Terminal Rates:

If the Balancing Account is terminated pursuant to Section 7.e.(3) of this rate schedule, NSA shall pay the following Terminal Rates in lieu of the rates specified in Sections 7.c.(2)-(6) of this rate schedule:

(a) Demand Rate:

For the remainder of the term of this rate schedule, the Demand Charge of NSA shall be reduced to zero dollars for Contract Demand, except for adjustments pursuant to Section 7.f., and shall be the rate applicable to all other delivery points under Section 3.b. of this tariff for any additional demand.

(b) Energy Rate:

For the amount of energy consumed in each month up to 100 percent of Contract Demand, NSA shall pay at an Energy Rate equal to 18.1 mills per kWh, subject to adjustments pursuant to Section 7.f. and Section 7.h. of this rate schedule.

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d. CHARGES:

(1) Demand Charge:

For the period April 1, 1990 through December 31, 1990, each month NSA shall pay a Demand Charge, based on the rate as stated in Section 7.c.(1)(a) of this rate schedule, times the Contract Demand, pursuant to NSA's current contract.

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(T) Thereafter, prior to the termination of the Balancing Account pursuant to Section 7.e.(3) of this rate schedule, each month NSA shall pay a Demand Charge, based on the rate as stated in Section 7.c.(2)(a) of this rate schedule, times the Contract Demand, pursuant to NSA's current contract. For the amount of energy consumed in each month, NSA shall be credited a demand charge credit computed as the Demand Rate converted to mills per kilowatt-hour at a 99 percent load factor multiplied by the number of kilowatt hours consumed. Upon termination of the Balancing Account pursuant to Section 7.e.(3) of this rate schedule, NSA shall pay a Demand Charge based on the rate as stated in Section 7.c.(7) of this rate schedule and shall not receive a demand charge credit.

(2) Energy Charge:

Each month NSA shall pay an Energy Charge at a rate provided in Section 7.c.(1)(b) or (6) or (7) of this rate schedule multiplied by the number of kilowatt-hours consumed up to a maximum of 100 percent of Contract Demand.

e. BALANCING ACCOUNT:

The Balancing Account is a cumulative bookkeeping entry starting on January 1, 1991 to record the difference between the Energy Charge under the variable rate and 29.1285 mills per kilowatt-hour.

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BY: *George L. Baker*
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Balance:

At the end of each month after January 1991: (i) The difference between the Energy Rate as stated in Section 7.c.(6) of this rate schedule (prior to any adjustments pursuant to Section 7.f. and Section 7.h. hereof) less 29.1285 mills per kWh multiplied by the number of kWh purchased in that month up to 100 percent of the Contract Demand shall be added to (subtracted from) the Balancing Account; and (ii) the credit (debit) under Section 7.e.(2) of

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(T) this rate schedule for the immediately preceding month shall be subtracted from (added to) the Balancing Account. As soon as the Terminal Rates under Section 7.c.(7) become effective, no more credits (debits) shall be added to the balance.

(2) Distribution:

Subject to Section 7.e.(3) of this rate schedule, each month NSA shall receive a credit (debit) on its monthly bill equal to the positive (negative) balance in the Balancing Account divided by the number of months remaining under this rate schedule, inclusive of the billing month and August 1997.

(3) Termination:

The Balancing Account shall be terminated and shall be of no further force or effect if: After December 31, 1990, the cumulative amounts under the Demand Charge less the Demand Charge Credit in Section 7.d.(1), plus the cumulative amounts under the Energy Charge in Section 7.d.(2), less the credits (plus the debits) under Section 7.e.(2) of this rate schedule (prior to any adjustments pursuant to Section 7.f. and Section 7.h. hereof) paid by NSA for energy purchased on or after January 1, 1991, up to 100 percent of Contract Demand, minus Big Rivers' cumulative operating costs, computed at 18.1 mills per kWh, for all such energy purchased by NSA, equal \$202,217,772, based upon a Contract Demand of 317 MW.

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ADJUSTMENTS FOR LEGISLATION OR REGULATORY ACTION:

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The Demand Rate under Sections 7.c.(1)(a), 7.c.(2)(a) and 7.c.(7) of this rate schedule shall be adjusted to reflect the least cost payment by Big Rivers of prudently incurred fixed expenditures due to legislation or regulatory action (e.g., acid rain, taxes).

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Prior to the termination of the Balancing Account, the Lower Rate Limit, the Pivot Energy Rate, and the Upper Rate Limit shall be adjusted to reflect payment by Big Rivers for prudently incurred expenditures (whether fixed or variable) due to legislation or

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(T) regulatory action (e.g., acid rain, taxes). After termination of the Balancing Account, the Energy Rate under Section 7.c.(7)(b) shall be adjusted to reflect payment by Big Rivers for prudently incurred variable expenditures due to legislation or regulatory action (e.g., acid rain, taxes).

g. RATE PARAMETERS AND ADJUSTMENTS:

(1) Monthly Average Aluminum Price Determination:

(a) Calculation of the Monthly Billing Aluminum Price:

The monthly billing aluminum price shall be determined monthly. For purposes of this rate schedule, the monthly billing aluminum price shall be the average U.S. Mid West Transactions Price reported for the previous month by Metals Week, in cents per pound.

(b) Changes in Aluminum Price Indicators:

In the event that Big Rivers Electric Corporation or NSA determines that factors outside its control have rendered Section 7.g.(1)(a) unusable as an approximation of the U.S. market price for aluminum, Big Rivers Electric Corporation and NSA shall develop and submit to the appropriate regulatory bodies a substitute indicator for determining the Monthly Billing Aluminum Price.

(c) Dispute Resolution:

If Big Rivers and NSA despite reasonable efforts cannot agree on a substitute indicator, the Public Service Commission shall denominate an indicator.

h. FUEL ADJUSTMENT CLAUSE:

The Energy Charge shall be increased or decreased by a Fuel Adjustment Factor as follows:

$$\frac{F}{S} - \$.01295$$

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- (T) (1) Fuel costs (F) shall be the most recent actual monthly cost of:
- (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 outages, 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 cost shall be based on weighted average inventory costing.
- (2) Forced outages are all nonscheduled losses for 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,

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(T) 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.

(3) Sales (S) shall be all kilowatts 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 h.(1)(d) above, less (vi) total system losses. Utility-used energy shall not be excluded in the determination of sales (S).

(4) 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.

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 NSA in the preceding months.

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B. 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
Three-party pole attachment without ground	2.23
Two-party pole attachment with ground	3.37
Three-party pole attachment with ground	2.37
Two-party anchor attachment	5.56
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. 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

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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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