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JUN 17 2013

PUBLIC SERVICE  
COMMISSION

**Via Overnight Mail**

June 14, 2013

Mr. Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

**Re: Case No. 2013-00221**

Dear Mr. Derouen:

Please find enclosed the original and ten (10) copies of MOTION OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. FOR INFORMAL CONFERENCE for filing in the above-referenced matter.

By copy of this letter, all parties listed on the Certificate of Service have been served. Please place these documents of file.

Very Truly Yours,



Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
**BOEHM, KURTZ & LOWRY**

MLKkew  
Attachment

cc: Certificate of Service  
Quang Nyugen, Esq.  
Richard Raff, Esq.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail (when available) and by U.S. Mail, unless other noted, this 13<sup>th</sup> day of June, 2013 to the following:



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**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF: JOINT APPLICATION OF KENERGY :  
CORP. AND BIG RIVERS ELECTRIC CORPORATION FOR : Case No. 2013-00221  
APPROVAL OF CONTRACTS AND FOR A DECLARATORY :  
ORDER :

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**MOTION OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.  
FOR INFORMAL CONFERENCE TO SET PROCEDURAL SCHEDULE AND TO  
DISCUSS INTERIM APPROVAL OF THE TRANSACTION BEFORE AUGUST 20, 2013  
SUBJECT TO FINAL COMMISSION REVIEW AT A LATER DATE**

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On June 12, 2013, Kenergy Corp. and Big Rivers Electric Corporation (referenced herein as the “Joint Applicants”) jointly filed an Application seeking approval of documents related to a proposed transaction that will allow Century Aluminum of Kentucky General Partnership to continue smelting operations at its Hawesville Smelter following termination of the 2009 Retail Agreement. The Joint Applicants also request that the Commission issue a declaratory order finding that unless the Commission has otherwise authorized Kenergy to provide electric service to the Hawesville Smelter under other reasonable terms, Kenergy and Big Rivers have the authority to disconnect service to the Hawesville Smelter on August 20, 2013. The Joint Applicants seek Commission approval of the above-referenced documents on an expedited basis in order to ensure that service to the Hawesville Smelter is not terminated on August 20, 2013.

There are two primary considerations that must be weighed when reviewing the Joint Applicants’ request. First, it is important to the Kentucky economy that service to the Hawesville Smelter not be terminated on August 20, 2013 merely because of procedural delay. Any approvals needed to keep power flowing to the Hawesville Smelter on and after August 20, 2013 should be made on a timely basis. Second, it is also important that the Commission and interested parties be given an opportunity to perform a complete and thorough review of the agreements between the Joint Applicants and Century. As the Joint Applicants state on page 12 of their Application, “[p]roviding service to a load the size of the Hawesville Smelting load is a complicated task involving significant risks to Kenergy and Big Rivers.” The Joint Applicants also correctly note on page 12 that

approval is being sought for “very complex definitive agreements.” The agreements could have significant cost implications for parties that are not involved in the negotiations ; namely Big Rivers’ and Kenergy’s Rural and Large Industrial customers, that may only become clear through discovery and with the benefit of expert witness testimony. Such a thorough review is unlikely to be completed prior to the electric service termination deadline of August 20, 2013.

In order to achieve both the goal of preserving electric service to the Hawesville Smelter after August 20, 2013 and the goal of conducting a complete review of the Joint Application, KIUC believes that the Commission should consider approving the proposed transaction prior to August 20, 2013 on an interim basis. The Commission would then reserve final judgment of this very important and complex transaction until such time that a complete review can be completed.

Wherefore, KIUC respectfully requests that the Commission schedule a telephonic Informal Conference either on Wednesday, June 19<sup>th</sup> or Thursday, June 20<sup>th</sup> at a time that is convenient for all parties. The purpose of the informal conference would be to discuss all procedural issues in this case including the possibility of interim approval discussed above.

Respectfully submitted,



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**COUNSEL FOR KENTUCKY INDUSTRIAL  
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JUNE 14, 2013