

**Michael Kurtz**

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**From:** Philip Hayet [philhay@concentric.net]  
**Sent:** Tuesday, June 19, 2012 12:56 PM  
**To:** 'Brenton Meese'  
**Cc:** 'Joseph McLeer'; 'Duane Sheffield'; Michael Kurtz  
**Subject:** RE: Ventyx - Final Statement of Work and Amendment for PaR License-Training-Setup

Thanks Brenton.

**From:** Brenton Meese [mailto:Brenton.Meese@ventyx.abb.com]  
**Sent:** Tuesday, June 19, 2012 12:48 PM  
**To:** Philip Hayet  
**Cc:** Joseph McLeer; Duane Sheffield; Michael Kurtz  
**Subject:** RE: Ventyx - Final Statement of Work and Amendment for PaR License-Training-Setup

Hi Phil,

Please find attached the four fully executed Agreements to secure the project work (License Amendment, Engagement Form, Consulting Agreement and SOW).

We look forward to working together this week to support your modeling efforts with Planning & Risk.

Regards,  
Brenton

**BRENTON MEESE**  
Executive Account Manager  
(O) 678.825.1467  
(M) 404.964.8882

**VENTYX**  
an ABB company  
[www.ventyx.com](http://www.ventyx.com)

**From:** Philip Hayet [mailto:philhay@concentric.net]  
**Sent:** Friday, June 15, 2012 4:06 PM  
**To:** Brenton Meese  
**Cc:** Joseph McLeer; Duane Sheffield; 'Michael Kurtz'  
**Subject:** RE: Ventyx - Final Statement of Work and Amendment for PaR License-Training-Setup

Brenton,

Please see the attached signed Statement of Work and License Amendment. I think everything is in order, and I am planning on coming on Wednesday.

Is Joe located in Suite 500 in the 400 Perimeter Center Terrace Building? Love to start as early as possible.

Also, I need to get documentation ahead as we discussed, and would like to start preparing my laptop for Wednesday, so any instructions I could get now would be much appreciated. I should speak to Joe on Monday if possible.

Are things going smoothly with the strip out effort and when do you plan to have the database back from ACES?

000156

Thanks,

Phil

**From:** Brenton Meese [<mailto:Brenton.Meese@ventyx.abb.com>]

**Sent:** Thursday, June 14, 2012 12:18 PM

**To:** Philip Hayet

**Cc:** Joseph McLeer; Duane Sheffield

**Subject:** Ventyx - Final Statement of Work and Amendment for PaR License-Training-Setup

Hi Phil,

Thanks for the voicemails yesterday and the clarifications. As we shared yesterday and as you know through your meetings with stakeholders and ACES, we have begun the database extraction for the Big Rivers database and this is on track. Joe would like to secure next Wednesday and Thursday to perform the training and setup activities with you, in order to adhere to your goal of being ready to model as of next Friday, June 22<sup>nd</sup>.

Please find attached the final versions of the Statement of Work (SOW) and the Planning & Risk/PROMOD Amendment. We updated each document to include your requested revisions or additions wherever possible. We also updated the dates in the Amendment Enrollment Form to reflect a 3-month initial engagement on PaR, after which we can have you fill out additional Engagement Forms as-needed (reflecting the pricing incentives we discussed as appropriate).

Note: The blanks in the Amendment for the dates in the preamble will be filled in by Ventyx when we sign. Please leave these blank as noted by Gail's comment. To process the Amendment for clean copy signature, simply print a "Final without Markup" copy in MS Word and her comment will disappear.

For both agreements, please let us know if you have any further questions. The internal process for processing any additional revisions is cumbersome and timely, so we appreciate that you and your legal can focus only on material changes, if you have any. We believe the agreements reflect all aspects of the project and license appropriately and are ready for signatures. Regarding signatures, please print, sign, scan and return all pages of each agreement via PDF to my email attention. We will countersign, fill in blanks, and send you PDF versions for your legal records.

Regarding delivery of the software, Joe and the PaR Team will stand ready to initiate delivery of the software once the agreements are fully executed. Joe and Team will also coordinate the delivery of the Big Rivers-ACES extracted database, which will load directly into the EPM PaR software.

Looking forward to receiving the executed agreements, and beginning this important project with you, Phil.

Kind Regards,  
Brenton

**BRENTON MEESE**  
Executive Account Manager

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000-167

**VENTYX**  
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400 Perimeter Center Terrace | Suite 500 | Atlanta GA 30346 | United States

Please note my office phone number and address have changed to our new North American Headquarters in Atlanta.

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Any views expressed in this email message are those of the individual sender except where the sender specifically states them to be the views of Ventyx.

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000-153

**Michael Kurtz**

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**From:** Kurt Boehm  
**Sent:** Wednesday, June 20, 2012 11:20 AM  
**To:** jmiller@smsmlaw.com; tkamuf@smsmlaw.com  
**Cc:** Michael Kurtz; 'Brown, David'  
**Subject:** BREC objection to KIUC 1-40

Jim & Tyson- With respect to Big Rivers' objection to KIUC 1-40, (which asked for a list of all entities that BR has entered a confidentiality agreement with in the last two years), we can agree to narrowing the request in order to get to only relevant information.

We would like a list of all entities that BR has entered a confidentiality agreement with in the last two years, where the subject matter of the protected information relates to the possible sale of generating assets, the sale of output of BR generating assets or the sale of the utility.

Thanks,

Kurt J. Boehm, Esq.  
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Cincinnati, Ohio 45202  
office: 513-421-2255  
mobile: 513-290-6683  
fax: 513-421-2764

000169



**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Wednesday, June 20, 2012 2:36 PM  
**To:** 'Wayne Harris'  
**Subject:** RE: Hayet Power System Consulting  
**Attachments:** 2012-00063Redlined Non-Disclosure Certification (KIUC - APM NDA).docx; 2012-00063 ACES-KIUC NDA.docx

Mr. Harris.

We have reviewed the Non-Disclosure Agreement you sent yesterday. It is fundamentally different than the Non-Disclosure Agreement between Big Rivers and KIUC, the Attorney General and the Sierra Club in the environmental surcharge proceeding. We have therefore modeled KIUC's agreement with ACES on the Big Rivers Agreement.

The ACES database is central to Big Rivers carrying its burden of proof in this case. The procedural schedule recently adopted by the Commission assumes that the information in the possession of ACES will be provided promptly. We therefore hope to have this worked out with ACES very soon.

Michael L. Kurtz, Esq.  
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Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**From:** Wayne Harris [<mailto:WayneH@acespower.com>]  
**Sent:** Tuesday, June 19, 2012 12:04 PM  
**To:** Michael Kurtz  
**Subject:** Hayet Power System Consulting

Mr. Kurtz:

I represent ACES Power Marketing LLC. It is my understanding that you are counsel for KIUC and that you or KIUC has retain Phil Hayet of Hayet Power System Consulting with regard to the case currently before the Kentucky Public Service Commission under Case No. 2011-00401, and captioned as "*In the Matter of: Application of Kentucky Power Company For Approval Of Its 2011 Environmental Compliance Plan, For Approval Of Its Amended Environmental Cost Recovery Surcharge Tariff, And For the Grant Of A Certificate Of Public Convenience And Necessity For The Construction And Acquisition Of Related Facilities*". It is further my understanding that Hayet Power System Consulting desires to have access to the Big Rivers' portion of ACES Power Marketing's Ventyx Planning & Risk (PaR) proprietary database for use exclusively in the aforementioned case after Hayet Power System Consulting has obtained a license from Ventyx.

As may have been communicated to you by counsel for Big Rivers, APM is willing to disclose the Big Rivers portion of the ACES Power Marketing's Ventyx Planning & Risk (PaR) proprietary database to Hayet Power System Consulting and Phil Hayet, subject to: (1) the execution by Hayet Power System Consulting and Phil Hayet of the attached Non-Disclosure Agreement and Non-Disclosure Certification; and (2) verification that Hayet Power System Consulting has executed a license agreement with Ventyx for the Planning & Risk (PaR) software.

Please review the attachments and advise me at your convenience of your client's/expert's approval to these terms.

000170

Sincerely,

Wayne Harris  
Chief Counsel  
ACES Power Marketing LLC  
4140 West 99th Street  
Carmel, IN 46032  
Email: [wayneh@acespower.com](mailto:wayneh@acespower.com)  
Tele.: (317) 344-7017

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000-171

**Michael Kurtz**

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**From:** Wayne Harris [WayneH@acespower.com]  
**Sent:** Wednesday, June 20, 2012 6:26 PM  
**To:** Michael Kurtz  
**Subject:** RE: Hayet Power System Consulting  
**Attachments:** NDA - Between Hayet and ACES Power Marketing (6-20-12).docx; Non-Disclosure Certification (Hayet - APM NDA).docx

Mr. Kurtz:

I reviewed your proposed Non-Disclosure Agreement and find that certain aspects do not pertain to ACES Power Marketing. We are not a party to this proceeding. Our interests in safeguarding the database that we are willing to provide to your client's consultant are paramount. Our company has expended significant capital in the creation of the database and uses this database as a mechanism for making profits. We therefore regard the database a proprietary and an ACES Power Marketing trade secret. We will require accountability for anyone having access to the database. We are willing to provide the database to the consultant who is licensed by Ventyx to use the PaR software in conjunction with our database. I have designed our Non-Disclosure Agreement to meet these objectives.

Please review this revised version and call me with any questions or concerns.

Sincerely,

Wayne Harris  
Chief Counsel  
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Email: [wayneh@acespower.com](mailto:wayneh@acespower.com)  
Tele.: (317) 344-7017

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**Sent:** Wednesday, June 20, 2012 2:36 PM  
**To:** Wayne Harris  
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Michael L. Kurtz, Esq.  
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000172

E-mail: mkurtz@BKLawfirm.com

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**Sent:** Tuesday, June 19, 2012 12:04 PM  
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**Subject:** Hayet Power System Consulting

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Email: [wayneh@acespower.com](mailto:wayneh@acespower.com)  
Tele.: (317) 344-7017

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000173

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000174

**Michael Kurtz**

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**From:** Kurt Boehm  
**Sent:** Thursday, June 21, 2012 2:22 PM  
**To:** jmiller@smsmlaw.com; tkamuf@smsmlaw.com  
**Cc:** dbrown@stites.com; Raff, Richard (PSC); 'Nguyen, Quang D (PSC)'; Michael Kurtz; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Jody Kyler; Philip Hayet; Lane Kollen  
**Subject:** Docket No. 2012-00063- Status of Discovery Issue

Jim and Tyson-

This is an update concerning KIUC's effort to get the "stripped down database" from ACES and the PAR model from Ventyx as discussed on the June 12, 2012 conference call with the parties and Staff.

We have been coordinating with Ventyx, given they were doing the work to strip down the database, and we knew they had been in turn coordinating with ACES. Our assumption is that all of the work is being performed in accordance with the agreement we reached on the June 12 call. Last week, KIUC consultant Phil Hayet coordinated with Ventyx to meet at their offices today, June 21, 2012, to obtain the PAR model and the stripped down database. We assumed that ACES would have given Ventyx the green light to release the stripped down database at that time. This had to be cancelled as details concerning the confidentiality agreement have not been finalized, and work on the database has not been completed as per our agreement from the conference call.

When Mr. Hayet attempted to finalize details yesterday regarding the software and database, he learned that two critical items were still outstanding. 1) Run definitions had not been provided by ACES, and in fact did not exist, and 2) no runs had been performed to evaluate whether or not the stripped down database would reproduce the results that ACES had generated and that were filed in testimony.

With regard to the first item, without the run definitions for each case that ACES performed, neither Ventyx nor Mr. Hayet would be able to know how to recreate the ACES runs. This is because the database has many modeling elements located within it, and a proper run definition is required to select the appropriate subset of elements to create the desired run. As of late yesterday, it was Mr. Hayet's understanding that ACES created some document that they supplied to Ventyx, from which the run definitions could be created.

With regard to the second item, as of late yesterday, no runs had been made to prove that all of the runs that ACES had made previously run could be recreated exactly. While we are certainly hopeful that the runs can be reproduced exactly, problems often crop up with this type of work that have to be worked through, and our agreement with Big Rivers was that the data supplied would definitely reproduce the results ACES had previously produced. That was confirmed by Tyson on the June 12 conference call. The mere fact that ACES had to create a written document to tell Ventyx how to recreate the run definitions means that no runs have been performed to validate that the Big Rivers results could be recreated exactly.

It may be possible that since last night ACES has verified that all of the cases can be successfully reproduced using the stripped down database, however, we are not aware of the status. We still need to be supplied with the database once the appropriate validation has been completed, and we need to re-schedule with Ventyx for installation. We request that Big Rivers provide us with a plan to complete these steps as quickly as possible, if they have not been completed already.

We are aware that the confidentiality agreement must be signed before Mr. Hayet may be provided with the database, and we are working to complete that today.

000175

Thanks,

Kurt

Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
office: 513-421-2255  
mobile: 513-290-6683  
fax: 513-421-2764

000-176

**Michael Kurtz**

---

**From:** Jim Miller [jmiller@smsmlaw.com]  
**Sent:** Thursday, June 21, 2012 3:08 PM  
**To:** Kurt Boehm; Tyson Kamuf  
**Cc:** Michael Kurtz; Brown, David  
**Subject:** RE: BREC objection to KIUC 1-40

Kurt,

What does KIUC contend is the relevance of this information for purposes of the environmental compliance proceeding?

Jim

James M. Miller  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KY 42302-0727  
Telephone (270) 926-4000  
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---

**From:** Kurt Boehm [mailto:KBoehm@bkllawfirm.com]  
**Sent:** Wednesday, June 20, 2012 10:20 AM  
**To:** Jim Miller; Tyson Kamuf  
**Cc:** Michael Kurtz; 'Brown, David'  
**Subject:** BREC objection to KIUC 1-40

Jim & Tyson- With respect to Big Rivers' objection to KIUC 1-40, (which asked for a list of all entities that BR has entered a confidentiality agreement with in the last two years), we can agree to narrowing the request in order to get to only relevant information.

We would like a list of all entities that BR has entered a confidentiality agreement with in the last two years, where the subject matter of the protected information relates to the possible sale of generating assets, the sale of output of BR generating assets or the sale of the utility.

Thanks,

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000177



**Michael Kurtz**

---

**From:** Kurt Boehm  
**Sent:** Thursday, June 21, 2012 3:47 PM  
**To:** 'Jim Miller'; Tyson Kamuf  
**Cc:** Michael Kurtz; Brown, David  
**Subject:** RE: BREC objection to KIUC 1-40

Jim- The possible sale of generating assets is highly relevant to the question of the prudence of BR's proposal to invest in environmental compliance equipment. For example, the sale of generating units will affect the costs of the "buy" versus the "build" scenarios and of the amount of excess capacity BR will have if one or both Smelters gives notice that intend to leave the BR system. The sale of output of a generating unit would affect the assumptions concerning the value of off-system sales and the amount of excess capacity in the "buy" or "build" analysis.

These are just a few examples of how this information would be relevant to BR's proposal. Obviously, such sales would have numerous other implications to the ECR filing.

Kurt J. Boehm, Esq.  
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36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
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**From:** Jim Miller [<mailto:jmiller@smsmlaw.com>]  
**Sent:** Thursday, June 21, 2012 3:08 PM  
**To:** Kurt Boehm; Tyson Kamuf  
**Cc:** Michael Kurtz; Brown, David  
**Subject:** RE: BREC objection to KIUC 1-40

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**From:** Kurt Boehm [<mailto:KBoehm@bkllawfirm.com>]  
**Sent:** Wednesday, June 20, 2012 10:20 AM  
**To:** Jim Miller; Tyson Kamuf

000.178

**Cc:** Michael Kurtz; 'Brown, David'  
**Subject:** BREC objection to KIUC 1-40

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000179

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Thursday, June 21, 2012 5:12 PM  
**To:** 'Wayne Harris'  
**Cc:** 'Brown, David'; Kurt Boehm; Jody Kyler; jmillersmsmlaw.com; tkamuf@smsmlaw.com; Nguyen, Quang D (PSC); Hans, Jennifer (KYOAG); Shannon Fisk; Kristin Henry  
**Subject:** RE: Hayet Power System Consulting  
**Attachments:** Clean NDA - Between Hayet and ACES Power Marketing.docx; Redlined NDA - Between Hayet and ACES Power Marketing (6-20-12) hayet.docx

Mr. Harris.

We respect the desire of ACES to safeguard its proprietary data base. However, you need to recognize that that data base was relied upon by Big Rivers in its environmental surcharge application and the Commission and parties must have reasonable access to it.

We have taken your proposed NDA and have made the attached changes. Fundamentally, Mr. Hayet will be the only person having access to and using the data base. We expect that the model outputs resulting from the data base use will be treated as public information, just as Big Rivers has treated the model outputs. However, we will treat the data base input assumptions such as market price forecasts, fuel prices, etc. as confidential. Such information will only be provided to the Commission and the parties under seal.

We hope that you find the attached NDA acceptable.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: mkurtz@BKLawfirm.com

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Please review this revised version and call me with any questions or concerns.

Sincerely,

000.150

Wayne Harris  
Chief Counsel  
ACES Power Marketing LLC  
4140 West 99th Street  
Carmel, IN 46032  
Email: [wayneh@acespower.com](mailto:wayneh@acespower.com)  
Tele.: (317) 344-7017

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**From:** Michael Kurtz [<mailto:MKurtz@bklawfirm.com>]  
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Tele.: (317) 344-7017

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000132

**Michael Kurtz**

---

**From:** Wayne Harris [WayneH@acespower.com]  
**Sent:** Thursday, June 21, 2012 9:35 PM  
**To:** Michael Kurtz  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'  
**Subject:** RE: Hayet Power System Consulting  
**Attachments:** APM Redline NDA - Between Hayet and ACES Power Marketing (6-21-12).docx; Clean NDA - Between Hayet and ACES Power Marketing (6-21-12).docx; APM Redline - Non-Disclosure Certification Hayet - APM NDA (6-21-12).docx; Clean Non-Disclosure Certification Hayet - APM NDA (6-21-12).docx

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E-mail: mkurtz@BKLawfirm.com

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**From:** Michael Kurtz  
**Sent:** Friday, June 22, 2012 10:56 AM  
**To:** 'Wayne Harris'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Brown, David'; Kurt Boehm; Jody Kyler; Hans, Jennifer (KYOAG); Shannon Fisk; Kristin Henry; Nguyen, Quang D (PSC)  
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Tele.: (317) 344-7017

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**Sent:** Thursday, June 21, 2012 5:12 PM

**To:** Wayne Harris

**Cc:** 'Brown, David'; Kurt Boehm; Jody Kyler; [jmiller@smsmlaw.com](mailto:jmiller@smsmlaw.com); [tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com); Nguyen, Quang D (PSC); Hans, Jennifer (KYOAG); Shannon Fisk; Kristin Henry

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000-189

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Tele.: (317) 344-7017

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**Michael Kurtz**

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**From:** Wayne Harris [WayneH@acespower.com]  
**Sent:** Friday, June 22, 2012 11:14 AM  
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Did you intend to include your redline?

**From:** Michael Kurtz [mailto:MKurtz@bklawfirm.com]  
**Sent:** Friday, June 22, 2012 10:56 AM  
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**Subject:** RE: Hayet Power System Consulting

Mr. Kurtz:

Please find our redline and clean versions of the proposed Non-Disclosure Agreement and Certificate. It is my understanding that the parties to your case have addressed model inputs and outputs in another agreement to

which APM is not a party, or alternatively you may choose to subsequently address those issues within the parameters of your case. Accordingly, APM will not address those matters in this Non-Disclosure Agreement.

Hopefully we have made some progress and will be able to complete this document tomorrow. Please advise me at your earliest convenience.

Sincerely,

Wayne Harris  
Chief Counsel  
ACES Power Marketing LLC  
4140 West 99th Street  
Carmel, IN 46032  
Email: [wayneh@acespower.com](mailto:wayneh@acespower.com)  
Tele.: (317) 344-7017

---

**From:** Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]  
**Sent:** Thursday, June 21, 2012 5:12 PM  
**To:** Wayne Harris  
**Cc:** 'Brown, David'; Kurt Boehm; Jody Kyler; [jmiller@smsmlaw.com](mailto:jmiller@smsmlaw.com); [tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com); Nguyen, Quang D (PSC); Hans, Jennifer (KYOAG); Shannon Fisk; Kristin Henry  
**Subject:** RE: Hayet Power System Consulting

Mr. Harris.

We respect the desire of ACES to safeguard its proprietary data base. However, you need to recognize that that data base was relied upon by Big Rivers in its environmental surcharge application and the Commission and parties must have reasonable access to it.

We have taken your proposed NDA and have made the attached changes. Fundamentally, Mr. Hayet will be the only person having access to and using the data base. We expect that the model outputs resulting from the data base use will be treated as public information, just as Big Rivers has treated the model outputs. However, we will treat the data base input assumptions such as market price forecasts, fuel prices, etc. as confidential. Such information will only be provided to the Commission and the parties under seal.

We hope that you find the attached NDA acceptable.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLLawfirm.com](mailto:mkurtz@BKLLawfirm.com)

---

**From:** Wayne Harris [<mailto:WayneH@acespower.com>]  
**Sent:** Wednesday, June 20, 2012 6:26 PM  
**To:** Michael Kurtz  
**Subject:** RE: Hayet Power System Consulting

Mr. Kurtz:

000197

I reviewed your proposed Non-Disclosure Agreement and find that certain aspects do not pertain to ACES Power Marketing. We are not a party to this proceeding. Our interests in safeguarding the database that we are willing to provide to your client's consultant are paramount. Our company has expended significant capital in the creation of the database and uses this database as a mechanism for making profits. We therefore regard the database a proprietary and an ACES Power Marketing trade secret. We will require accountability for anyone having access to the database. We are willing to provide the database to the consultant who is licensed by Ventyx to use the PaR software in conjunction with our database. I have designed our Non-Disclosure Agreement to meet these objectives.

Please review this revised version and call me with any questions or concerns.

Sincerely,

Wayne Harris  
Chief Counsel  
ACES Power Marketing LLC  
4140 West 99th Street  
Carmel, IN 46032  
Email: [wayneh@acespower.com](mailto:wayneh@acespower.com)  
Tele.: (317) 344-7017

---

**From:** Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]  
**Sent:** Wednesday, June 20, 2012 2:36 PM  
**To:** Wayne Harris  
**Subject:** RE: Hayet Power System Consulting

Mr. Harris.

We have reviewed the Non-Disclosure Agreement you sent yesterday. It is fundamentally different than the Non-Disclosure Agreement between Big Rivers and KIUC, the Attorney General and the Sierra Club in the environmental surcharge proceeding. We have therefore modeled KIUC's agreement with ACES on the Big Rivers Agreement.

The ACES database is central to Big Rivers carrying its burden of proof in this case. The procedural schedule recently adopted by the Commission assumes that the information in the possession of ACES will be provided promptly. We therefore hope to have this worked out with ACES very soon.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

---

**From:** Wayne Harris [<mailto:WayneH@acespower.com>]  
**Sent:** Tuesday, June 19, 2012 12:04 PM  
**To:** Michael Kurtz  
**Subject:** Hayet Power System Consulting

000198

Mr. Kurtz:

I represent ACES Power Marketing LLC. It is my understanding that you are counsel for KIUC and that you or KIUC has retain Phil Hayet of Hayet Power System Consulting with regard to the case currently before the Kentucky Public Service Commission under Case No. 2011-00401, and captioned as "*In the Matter of:*

*Application of Kentucky Power Company For Approval Of Its 2011 Environmental Compliance Plan, For Approval Of Its Amended Environmental Cost Recovery Surcharge Tariff, And For the Grant Of A Certificate Of Public Convenience And Necessity For The Construction And Acquisition Of Related Facilities". It is further my understanding that Hayet Power System Consulting desires to have access to the Big Rivers' portion of ACES Power Marketing's Ventyx Planning & Risk (PaR) proprietary database for use exclusively in the aforementioned case after Hayet Power System Consulting has obtained a license from Ventyx.*

As may have been communicated to you by counsel for Big Rivers, APM is willing to disclose the Big Rivers portion of the ACES Power Marketing's Ventyx Planning & Risk (PaR) proprietary database to Hayet Power System Consulting and Phil Hayet, subject to: (1) the execution by Hayet Power System Consulting and Phil Hayet of the attached Non-Disclosure Agreement and Non-Disclosure Certification; and (2) verification that Hayet Power System Consulting has executed a license agreement with Ventyx for the Planning & Risk (PaR) software.

Please review the attachments and advise me at your convenience of your client's/expert's approval to these terms.

Sincerely,

Wayne Harris  
Chief Counsel  
ACES Power Marketing LLC  
4140 West 99th Street  
Carmel, IN 46032  
Email: [wayneh@acespower.com](mailto:wayneh@acespower.com)  
Tele.: (317) 344-7017

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000500

**Michael Kurtz**

---

**From:** James Giampietro [james.giampietro@sierraclub.org]  
**Sent:** Friday, June 22, 2012 2:18 PM  
**To:** Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; Cook, Larry (KYOAG); James, Matt (KYOAG); Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Jody Kyler; Philip Hayet; Lane Kollen  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica  
**Subject:** 2012-00063 [PUBLIC] Ben Taylor & Sierra Club's 2nd Data Request to Big Rivers  
**Attachments:** 2012-00063 SC 2nd Data Request Cvr Ltr 2012-06-22.pdf; 2012-00063 SC 2nd Data Rqst to Big Rivers [PUBLIC] 2012-06-22.pdf

Attached please find the Public Version of Sierra Club's 2nd Set of Requests for Information to Big Rivers, along with a cover letter. The Confidential version will be sent separately via email. Paper copies are being delivered to the PSC and mailed to parties today.

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---

James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

000501



**Michael Kurtz**

---

**From:** Jody Kyler  
**Sent:** Friday, June 22, 2012 2:52 PM  
**To:** 'Wayne Harris'; Michael Kurtz  
**Cc:** 'Tyson Kamuf'; Kurt Boehm; 'Philip Hayet'  
**Subject:** RE: NDA  
**Attachments:** Hayet Non-Disclosure Agreement.pdf

Attached is a pdf of the agreed-upon NDA, signed by Mr. Hayet.

Tyson - now that a confidentiality agreement has been executed and you have received evidence that Mr. Hayet has licensed the Ventyx software, we were curious as to your response to the e-mail inquiry that Kurt sent out yesterday. For your convenience, the text of the e-mail is below.

Thanks,

Jody M. Kyler  
Boehm, Kurtz & Lowry  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Phone: 513.421.2255  
Jkyler@bkllawfirm.com

-----  
Jim and Tyson-

This is an update concerning KIUC's effort to get the "stripped down database" from ACES and the PAR model from Ventyx as discussed on the June 12, 2012 conference call with the parties and Staff.

We have been coordinating with Ventyx, given they were doing the work to strip down the database, and we knew they had been in turn coordinating with ACES. Our assumption is that all of the work is being performed in accordance with the agreement we reached on the June 12 call. Last week, KIUC consultant Phil Hayet coordinated with Ventyx to meet at their offices today, June 21, 2012, to obtain the PAR model and the stripped down database. We assumed that ACES would have given Ventyx the green light to release the stripped down database at that time. This had to be cancelled as details concerning the confidentiality agreement have not been finalized, and work on the database has not been completed as per our agreement from the conference call.

When Mr. Hayet attempted to finalize details yesterday regarding the software and database, he learned that two critical items were still outstanding. 1) Run definitions had not been provided by ACES, and in fact did not exist, and 2) no runs had been performed to evaluate whether or not the stripped down database would reproduce the results that ACES had generated and that were filed in testimony.

With regard to the first item, without the run definitions for each case that ACES performed, neither Ventyx nor Mr. Hayet would be able to know how to recreate the ACES runs. This is because the database has many modeling elements located within it, and a proper run definition is required to select the appropriate subset of elements to create the desired run. As of late yesterday, it was Mr. Hayet's understanding that ACES created some document that they supplied to Ventyx, from which the run definitions could be created.

With regard to the second item, as of late yesterday, no runs had been made to prove that all of the runs that ACES had made previously run could be recreated exactly. While we are certainly hopeful that the runs can be reproduced exactly, problems often crop up with this type of work that have to be worked through, and our agreement with Big

Rivers was that the data supplied would definitely reproduce the results ACES had previously produced. That was confirmed by Tyson on the June 12 conference call. The mere fact that ACES had to create a written document to tell Ventyx how to recreate the run definitions means that no runs have been performed to validate that the Big Rivers results could be recreated exactly.

It may be possible that since last night ACES has verified that all of the cases can be successfully reproduced using the stripped down database, however, we are not aware of the status. We still need to be supplied with the database once the appropriate validation has been completed, and we need to re-schedule with Ventyx for installation. We request that Big Rivers provide us with a plan to complete these steps as quickly as possible, if they have not been completed already.

We are aware that the confidentiality agreement must be signed before Mr. Hayet may be provided with the database, and we are working to complete that today.

Thanks,

Kurt

---

**From:** Wayne Harris [mailto:WayneH@acespower.com]  
**Sent:** Friday, June 22, 2012 1:51 PM  
**To:** Michael Kurtz  
**Cc:** 'Tyson Kamuf'; Jody Kyler  
**Subject:** RE: NDA

Michael:

This is acceptable to ACES Power Marketing.

Wayne

---

**From:** Michael Kurtz [mailto:MKurtz@bkllawfirm.com]  
**Sent:** Friday, June 22, 2012 1:23 PM  
**To:** Wayne Harris  
**Cc:** 'Tyson Kamuf'; Jody Kyler  
**Subject:** NDA

Please see if this works.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKllawfirm.com](mailto:mkurtz@BKllawfirm.com)

000103

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your computer system and destroy any copies of the message as well as any attachments and notify me immediately at (317) 344-7000.

000504

**Michael Kurtz**

---

**From:** Wayne Harris [WayneH@acespower.com]  
**Sent:** Friday, June 22, 2012 3:44 PM  
**To:** Jody Kyler; Michael Kurtz  
**Cc:** 'Tyson Kamuf'; Kurt Boehm; 'Philip Hayet'  
**Subject:** RE: NDA  
**Attachments:** Document.pdf

Attached is the fully executed NDA.

**From:** Jody Kyler [mailto:jkyler@bkllawfirm.com]  
**Sent:** Friday, June 22, 2012 2:52 PM  
**To:** Wayne Harris; Michael Kurtz  
**Cc:** 'Tyson Kamuf'; Kurt Boehm; 'Philip Hayet'  
**Subject:** RE: NDA

Attached is a pdf of the agreed-upon NDA, signed by Mr. Hayet.

Tyson - now that a confidentiality agreement has been executed and you have received evidence that Mr. Hayet has licensed the Ventyx software, we were curious as to your response to the e-mail inquiry that Kurt sent out yesterday. For your convenience, the text of the e-mail is below.

Thanks,

Jody M. Kyler  
Boehm, Kurtz & Lowry  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Phone: 513.421.2255  
Jkyler@bkllawfirm.com

-----  
Jim and Tyson-

This is an update concerning KIUC's effort to get the "stripped down database" from ACES and the PAR model from Ventyx as discussed on the June 12, 2012 conference call with the parties and Staff.

We have been coordinating with Ventyx, given they were doing the work to strip down the database, and we knew they had been in turn coordinating with ACES. Our assumption is that all of the work is being performed in accordance with the agreement we reached on the June 12 call. Last week, KIUC consultant Phil Hayet coordinated with Ventyx to meet at their offices today, June 21, 2012, to obtain the PAR model and the stripped down database. We assumed that ACES would have given Ventyx the green light to release the stripped down database at that time. This had to be cancelled as details concerning the confidentiality agreement have not been finalized, and work on the database has not been completed as per our agreement from the conference call.

When Mr. Hayet attempted to finalize details yesterday regarding the software and database, he learned that two critical items were still outstanding. 1) Run definitions had not been provided by ACES, and in fact did not exist, and 2) no runs had been performed to evaluate whether or not the stripped down database would reproduce the results that ACES had generated and that were filed in testimony.

000505

With regard to the first item, without the run definitions for each case that ACES performed, neither Ventyx nor Mr. Hayet would be able to know how to recreate the ACES runs. This is because the database has many modeling elements located within it, and a proper run definition is required to select the appropriate subset of elements to create the desired run. As of late yesterday, it was Mr. Hayet's understanding that ACES created some document that they supplied to Ventyx, from which the run definitions could be created.

With regard to the second item, as of late yesterday, no runs had been made to prove that all of the runs that ACES had made previously run could be recreated exactly. While we are certainly hopeful that the runs can be reproduced exactly, problems often crop up with this type of work that have to be worked through, and our agreement with Big Rivers was that the data supplied would definitely reproduce the results ACES had previously produced. That was confirmed by Tyson on the June 12 conference call. The mere fact that ACES had to create a written document to tell Ventyx how to recreate the run definitions means that no runs have been performed to validate that the Big Rivers results could be recreated exactly.

It may be possible that since last night ACES has verified that all of the cases can be successfully reproduced using the stripped down database, however, we are not aware of the status. We still need to be supplied with the database once the appropriate validation has been completed, and we need to re-schedule with Ventyx for installation. We request that Big Rivers provide us with a plan to complete these steps as quickly as possible, if they have not been completed already.

We are aware that the confidentiality agreement must be signed before Mr. Hayet may be provided with the database, and we are working to complete that today.

Thanks,

Kurt

**From:** Wayne Harris [mailto:WayneH@acespower.com]  
**Sent:** Friday, June 22, 2012 1:51 PM  
**To:** Michael Kurtz  
**Cc:** 'Tyson Kamuf'; Jody Kyler  
**Subject:** RE: NDA

Michael:

This is acceptable to ACES Power Marketing.

Wayne

**From:** Michael Kurtz [mailto:MKurtz@bkllawfirm.com]  
**Sent:** Friday, June 22, 2012 1:23 PM  
**To:** Wayne Harris  
**Cc:** 'Tyson Kamuf'; Jody Kyler  
**Subject:** NDA

Please see if this works.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKllawfirm.com](mailto:mkurtz@BKllawfirm.com)

000506

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000507

**Michael Kurtz**

---

**From:** James Giampietro [james.giampietro@sierraclub.org]  
**Sent:** Friday, June 22, 2012 4:47 PM  
**To:** Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica  
**Subject:** 2012-00063 [CONFIDENTIAL] Ben Taylor & Sierra Club's 2nd Data Request to Big Rivers  
**Attachments:** 2012-00063 SC 2nd Data Rqst to Big Rivers [CONF] 2012-06-22.pdf

Attached please find the Confidential Version of Sierra Club's 2nd Set of Requests for Information to Big Rivers. Paper copies are were delivered to the PSC and mailed to parties today.

--

---

James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

000508

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Friday, June 22, 2012 4:54 PM  
**To:** jmiller@smsmlaw.com; tkamuf@smsmlaw.com; Raff, Richard (PSC); 'Nguyen, Quang D (PSC)'; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); DeRouen, Jeff (PSC); Burns, Faith (PSC)  
**Cc:** Kurt Boehm; dbrown@stites.com; Lane Kollen; Philip Hayet; Jody Kyler; sbaron@jkenn.com  
**Subject:** KIUC's Supplemental Data Requests to BREC, Docket No. 2012-00063  
**Attachments:** Supplemental Set of Data Requests FINAL.docx; KIUC Supplemental Data Requests to BREC.pdf

Counsel, attached pleas find KIUC'S SUPPLEMENTAL SET OF DATA REQUESTS TO BIG RIVERS ELECTRIC CORPORATION in .Word and .Pdf format for filing in the above-referenced matter. Hard copies will follow by regular, U.S. Mail.

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000509



**Michael Kurtz**

---

**From:** James Giampietro [james.giampietro@sierraclub.org]  
**Sent:** Friday, June 22, 2012 4:59 PM  
**To:** Michael Kurtz  
**Subject:** Re: KIUC's Supplemental Data Requests to BREC, Docket No. 2012-00063

Hi Mike,

Do you know who has signed the confidentiality agreement in this case? Kristin is on a plane so can't send me the info.

Thanks,  
James

--

---

James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

On Fri, Jun 22, 2012 at 1:54 PM, Michael Kurtz <[MKurtz@bkllawfirm.com](mailto:MKurtz@bkllawfirm.com)> wrote:

Counsel, attached please find KIUC'S SUPPLEMENTAL SET OF DATA REQUESTS TO BIG RIVERS ELECTRIC CORPORATION in .Word and .Pdf format for filing in the above-referenced matter. Hard copies will follow by regular, U.S. Mail.

Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY**

36 E. Seventh St., Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

[MKurtz@BKLLawfirm.com](mailto:MKurtz@BKLLawfirm.com)

000510

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James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

000511

**Michael Kurtz**

---

**From:** Tyson Kamuf [tkamuf@smsmlaw.com]  
**Sent:** Friday, June 22, 2012 5:02 PM  
**To:** Kurt Boehm; Jim Miller  
**Cc:** dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Jody Kyler; Philip Hayet; Lane Kollen  
**Subject:** RE: Docket No. 2012-00063- Status of Discovery Issue

Kurt and Mike:

As you know, we received from you this afternoon the Non-Disclosure Agreement and Non-Disclosure Certificate signed by Phil Hayet. ACES will now provide Mr. Hayet access to the database. ACES thinks the easiest way for Mr. Hayet to access the database is for Ventyx to release the database directly to Mr. Hayet. ACES has already told Ventyx that it can do so. If Mr. Hayet prefers, ACES has also posted the database on a password protected FTP site, and ACES can provide Mr. Hayet the password.

With regard to Kurt's email below, on the June 12 call, we did not agree that ACES would re-run every scenario. ACES did, however, ask Ventyx to use the stripped-down database to run a scenario to verify that the stripping down of the database did not create any errors or eliminate any necessary information. Ventyx did so, and Ventyx's results were within one-tenth of one percent of ACES' results. This fulfills our commitments made on the June 12 call to provide a working database.

Tyson Kamuf  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street, P.O. Box 727  
Owensboro, Kentucky 42302-0727  
[tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com)  
(270) 926-4000  
(270) 683-6694 fax

**CONFIDENTIALITY STATEMENT:**

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**From:** Kurt Boehm [mailto:KBoehm@bkllawfirm.com]  
**Sent:** Thursday, June 21, 2012 1:22 PM  
**To:** Jim Miller; Tyson Kamuf  
**Cc:** dbrown@stites.com; Raff, Richard (PSC); 'Nguyen, Quang D (PSC)'; Michael Kurtz; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Jody Kyler; Philip Hayet; Lane Kollen  
**Subject:** Docket No. 2012-00063- Status of Discovery Issue

Jim and Tyson-

This is an update concerning KIUC's effort to get the "stripped down database" from ACES and the PAR model from Ventyx as discussed on the June 12, 2012 conference call with the parties and Staff.

000512

We have been coordinating with Ventyx, given they were doing the work to strip down the database, and we knew they had been in turn coordinating with ACES. Our assumption is that all of the work is being performed in accordance with the agreement we reached on the June 12 call. Last week, KIUC consultant Phil Hayet coordinated with Ventyx to meet at their offices today, June 21, 2012, to obtain the PAR model and the stripped down database. We assumed that ACES would have given Ventyx the green light to release the stripped down database at that time. This had to be cancelled as details concerning the confidentiality agreement have not been finalized, and work on the database has not been completed as per our agreement from the conference call.

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With regard to the first item, without the run definitions for each case that ACES performed, neither Ventyx nor Mr. Hayet would be able to know how to recreate the ACES runs. This is because the database has many modeling elements located within it, and a proper run definition is required to select the appropriate subset of elements to create the desired run. As of late yesterday, it was Mr. Hayet's understanding that ACES created some document that they supplied to Ventyx, from which the run definitions could be created.

With regard to the second item, as of late yesterday, no runs had been made to prove that all of the runs that ACES had made previously run could be recreated exactly. While we are certainly hopeful that the runs can be reproduced exactly, problems often crop up with this type of work that have to be worked through, and our agreement with Big Rivers was that the data supplied would definitely reproduce the results ACES had previously produced. That was confirmed by Tyson on the June 12 conference call. The mere fact that ACES had to create a written document to tell Ventyx how to recreate the run definitions means that no runs have been performed to validate that the Big Rivers results could be recreated exactly.

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We are aware that the confidentiality agreement must be signed before Mr. Hayet may be provided with the database, and we are working to complete that today.

Thanks,

Kurt

Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
office: 513-421-2255  
mobile: 513-290-6683  
fax: 513-421-2764

000513

**Michael Kurtz**

---

**From:** Hans, Jennifer (KYOAG) [jennifer.hans@ag.ky.gov]  
**Sent:** Friday, June 22, 2012 5:43 PM  
**To:** Jim Miller; Tyson Kamuf; Michael Kurtz; Kurt Boehm; Kristin Henry; Shannon Fisk; joe@jchilderslaw.com  
**Cc:** Cook, Larry (KYOAG); Howard, Dennis (KYOAG); James, Matt (KYOAG); James Giampietro; Nguyen, Quang D (PSC); Burns, Faith (PSC); Raff, Richard (PSC)  
**Subject:** Case No. 2012-00063 Big Rivers  
**Attachments:** 12-63 brec ag public supp dr.pdf

Attached please find the Public Version of the Attorney General's 2nd Set of Data Requests to Big Rivers, which was filed with the PSC yesterday. Hard copies of both the confidential and non-confidential versions were also mailed to the parties on June 21, 2012.

*Jennifer Black Hans*

Executive Director  
Office of Rate Intervention  
Office of the Attorney General  
1024 Capital Center Drive  
Frankfort, KY 40601  
(502) 696-5453 (Rate Intervention)  
(502) 696-5408 (Direct)  
Fax: 502-573-1009  
[jennifer.hans@ag.ky.gov](mailto:jennifer.hans@ag.ky.gov)

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Under Kentucky Rule of Evidence 503, this communication is confidential and not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to or on behalf of the Office of the Attorney General.

000514

**Michael Kurtz**

---

**From:** Kurt Boehm  
**Sent:** Saturday, June 23, 2012 9:12 PM  
**To:** Jim Miller  
**Cc:** Tyson Kamuf; Michael Kurtz; Brown, David  
**Subject:** Re: BREC objection to KIUC 1-40

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thanks

On Jun 23, 2012, at 11:54 AM, "Jim Miller" <[jmiller@smsmlaw.com](mailto:jmiller@smsmlaw.com)> wrote:

Kurt,

We will respond based on the narrowing of the data request.

Jim

James M. Miller  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KY 42302-0727  
Telephone (270) 926-4000  
Direct Dial (270) 691-1640  
Fax (270) 683-6694

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---

**From:** Kurt Boehm [<mailto:KBoehm@bkllawfirm.com>]  
**Sent:** Thursday, June 21, 2012 2:47 PM  
**To:** Jim Miller; Tyson Kamuf  
**Cc:** Michael Kurtz; Brown, David  
**Subject:** RE: BREC objection to KIUC 1-40

Jim- The possible sale of generating assets is highly relevant to the question of the prudence of BR's proposal to invest in environmental compliance equipment. For example, the sale of generating units will affect the costs of the "buy" versus the "build" scenarios and of the amount of excess capacity BR will have if one or both Smelters gives notice that intend to leave the BR system. The sale of output of a generating unit would affect the assumptions concerning the value of off-system sales and the amount of excess capacity in the "buy" or "build" analysis.

These are just a few examples of how this information would be relevant to BR's proposal. Obviously, such sales would have numerous other implications to the ECR filing.

Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY

000515

36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
office: 513-421-2255  
mobile: 513-290-6683  
fax: 513-421-2764

---

**From:** Jim Miller [<mailto:jmiller@smsmlaw.com>]  
**Sent:** Thursday, June 21, 2012 3:08 PM  
**To:** Kurt Boehm; Tyson Kamuf  
**Cc:** Michael Kurtz; Brown, David  
**Subject:** RE: BREC objection to KIUC 1-40

Kurt,

What does KIUC contend is the relevance of this information for purposes of the environmental compliance proceeding?

Jim

James M. Miller  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KY 42302-0727  
Telephone (270) 926-4000  
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---

**From:** Kurt Boehm [<mailto:KBoehm@bklawfirm.com>]  
**Sent:** Wednesday, June 20, 2012 10:20 AM  
**To:** Jim Miller; Tyson Kamuf  
**Cc:** Michael Kurtz; 'Brown, David'  
**Subject:** BREC objection to KIUC 1-40

Jim & Tyson- With respect to Big Rivers' objection to KIUC 1-40, (which asked for a list of all entities that BR has entered a confidentiality agreement with in the last two years), we can agree to narrowing the request in order to get to only relevant information.

We would like a list of all entities that BR has entered a confidentiality agreement with in the last two years, where the subject matter of the protected information relates to the possible sale of generating assets, the sale of output of BR generating assets or the sale of the utility.

Thanks,

Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
office: 513-421-2255

000516

mobile: 513-290-6683  
fax: 513-421-2764

000517



**Michael Kurtz**

---

**From:** Jim Miller [jmiller@smsmlaw.com]  
**Sent:** Saturday, June 23, 2012 11:54 AM  
**To:** Kurt Boehm; Tyson Kamuf  
**Cc:** Michael Kurtz; Brown, David  
**Subject:** RE: BREC objection to KIUC 1-40

Kurt,

We will respond based on the narrowing of the data request.

Jim

James M. Miller  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KY 42302-0727  
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**Sent:** Thursday, June 21, 2012 2:47 PM  
**To:** Jim Miller; Tyson Kamuf  
**Cc:** Michael Kurtz; Brown, David  
**Subject:** RE: BREC objection to KIUC 1-40

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These are just a few examples of how this information would be relevant to BR's proposal. Obviously, such sales would have numerous other implications to the ECR filing.

Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
office: 513-421-2255  
mobile: 513-290-6683  
fax: 513-421-2764

**From:** Jim Miller [mailto:jmiller@smsmlaw.com]  
**Sent:** Thursday, June 21, 2012 3:08 PM  
**To:** Kurt Boehm; Tyson Kamuf

000518

**Cc:** Michael Kurtz; Brown, David  
**Subject:** RE: BREC objection to KIUC 1-40

Kurt,

What does KIUC contend is the relevance of this information for purposes of the environmental compliance proceeding?

Jim

James M. Miller  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KY 42302-0727  
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**From:** Kurt Boehm [<mailto:KBoehm@bklawfirm.com>]  
**Sent:** Wednesday, June 20, 2012 10:20 AM  
**To:** Jim Miller; Tyson Kamuf  
**Cc:** Michael Kurtz; 'Brown, David'  
**Subject:** BREC objection to KIUC 1-40

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We would like a list of all entities that BR has entered a confidentiality agreement with in the last two years, where the subject matter of the protected information relates to the possible sale of generating assets, the sale of output of BR generating assets or the sale of the utility.

Thanks,

Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
office: 513-421-2255  
mobile: 513-290-6683  
fax: 513-421-2764

000519

**Michael Kurtz**

---

**From:** Nguyen, Quang D (PSC) [QuangD.Nguyen@ky.gov]  
**Sent:** Monday, June 25, 2012 8:07 AM  
**To:** jmiller@smsmlaw.com; Tyson Kamuf; Michael Kurtz; Kurt Boehm; Jody Kyler; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; james.giampietro@sierraclub.org; childerslaw81@gmail.com  
**Subject:** 2012-00063 Big Rivers ECP

All –

Please find attached Staff's Second Data Request to Big Rivers in MS-Word format. Also, please forward a copy of all responses, including confidential matters, to Staff's consultants at the following contact information.

- Walt Drabinski  
Vantage Energy Consulting, LLC  
24160 Overseas Highway  
Cudjoe Key, Florida 33042  
(305) 744-3440
- Chuck Beuchel  
10 Eagleview Lane  
Fort Thomas, KY 41075  
(859) 361-0088
- Mike Boismenu  
3 Lotus Bay Estate Drive  
Irving, NY 14081  
(716) 860-9594

Thanks.

Quang D. Nguyen  
Staff Attorney  
Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602-0615  
Office: (502) 564-3940, ext. 256  
Fax: (502) 564-7279  
Email: [QuangD.Nguyen@ky.gov](mailto:QuangD.Nguyen@ky.gov)  
Website: <http://psc.ky.gov>



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000570

**Michael Kurtz**

---

**From:** Nguyen, Quang D (PSC) [QuangD.Nguyen@ky.gov]  
**Sent:** Monday, June 25, 2012 8:08 AM  
**To:** jmiller@smsmlaw.com; Tyson Kamuf; Michael Kurtz; Kurt Boehm; Jody Kyler; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; james.giampietro@sierraclub.org; childerslaw81@gmail.com  
**Subject:** RE: 2012-00063 Big Rivers ECP  
**Attachments:** 2012-00063 Staff's Second DR.doc

Staff's Second DR is attached to this email.

**From:** Nguyen, Quang D (PSC)  
**Sent:** Monday, June 25, 2012 8:07 AM  
**To:** jmiller@smsmlaw.com; 'Tyson Kamuf'; mkurtz@bkllawfirm.com; Kurt Boehm (KBoehm@bkllawfirm.com); Jody Kyler (jkyler@bkllawfirm.com); Brown, David (DBROWN@stites.com); Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry (kristin.henry@sierraclub.org); sfisk@earthjustice.org; James Giampietro (james.giampietro@sierraclub.org); childerslaw81@gmail.com  
**Subject:** 2012-00063 Big Rivers ECP

All –

Please find attached Staff's Second Data Request to Big Rivers in MS-Word format. Also, please forward a copy of all responses, including confidential matters, to Staff's consultants at the following contact information.

- Walt Drabinski  
Vantage Energy Consulting, LLC  
24160 Overseas Highway  
Cudjoe Key, Florida 33042  
(305) 744-3440
- Chuck Beuchel  
10 Eagleview Lane  
Fort Thomas, KY 41075  
(859) 361-0088
- Mike Boismenu  
3 Lotus Bay Estate Drive  
Irving, NY 14081  
(716) 860-9594

Thanks.

Quang D. Nguyen  
Staff Attorney  
Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602-0615  
Office: (502) 564-3940, ext. 256  
Fax: (502) 564-7279  
Email: [QuangD.Nguyen@ky.gov](mailto:QuangD.Nguyen@ky.gov)  
Website: <http://psc.ky.gov>

000521



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000522

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Monday, June 25, 2012 8:55 AM  
**To:** 'James Giampietro'  
**Subject:** RE: KIUC's Supplemental Data Requests to BREC, Docket No. 2012-00063

James.

The following have: me, Kurt Boehm, david Brown, Lane Kollen and Phil Hayet

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**From:** James Giampietro [<mailto:james.giampietro@sierraclub.org>]  
**Sent:** Friday, June 22, 2012 4:59 PM  
**To:** Michael Kurtz  
**Subject:** Re: KIUC's Supplemental Data Requests to BREC, Docket No. 2012-00063

Hi Mike,

Do you know who has signed the confidentiality agreement in this case? Kristin is on a plane so can't send me the info.

Thanks,  
James

--

---

James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

On Fri, Jun 22, 2012 at 1:54 PM, Michael Kurtz <[MKurtz@bkllawfirm.com](mailto:MKurtz@bkllawfirm.com)> wrote:

Counsel, attached pleas find KIUC'S SUPPLEMENTAL SET OF DATA REQUESTS TO BIG RIVERS ELECTRIC CORPORATION in .Word and .Pdf format for filing in the above-referenced matter. Hard copies will follow by regular, U.S. Mail.

0005723

Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY**

36 E. Seventh St., Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

MKurtz@BKLawfirm.com

--

---

James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

0001721

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Monday, June 25, 2012 9:09 AM  
**To:** 'Tyson Kamuf'; Kurt Boehm; Jim Miller  
**Cc:** dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Jody Kyler; Philip Hayet; Lane Kollen  
**Subject:** RE: Docket No. 2012-00063- Status of Discovery Issue

Tyson,

Though we would have preferred that Big River's had seen to it that at least the 6 cases filed in testimony were validated, we recognize the need to move forward, which we are going to do. To that end, Mr. Hayet has arranged to meet with Ventyx on Tuesday morning. We are still committed to producing our modeling DRs on Wednesday, however, Mr. Hayet believes there are still some technical/logistical questions that he needs to ask ACES, which he would like to do before close of business on Monday. Mr. Hayet is hoping for ACES' cooperation and will call them sometime on Monday. If you could pass the word to them, that would be greatly appreciated, and if they would prefer to arrange a specific time, please have them let him know. His email is [philhayet@concentric.net](mailto:philhayet@concentric.net). As I said, we are shooting to provide all questions by Wednesday, but given the turn of events we may need to request one or two more days.

Thank you very much,

Mike

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**From:** Tyson Kamuf [<mailto:tkamuf@smsmlaw.com>]  
**Sent:** Friday, June 22, 2012 5:02 PM  
**To:** Kurt Boehm; Jim Miller  
**Cc:** dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Jody Kyler; Philip Hayet; Lane Kollen  
**Subject:** RE: Docket No. 2012-00063- Status of Discovery Issue

Kurt and Mike:

As you know, we received from you this afternoon the Non-Disclosure Agreement and Non-Disclosure Certificate signed by Phil Hayet. ACES will now provide Mr. Hayet access to the database. ACES thinks the easiest way for Mr. Hayet to access the database is for Ventyx to release the database directly to Mr. Hayet. ACES has already told Ventyx that it can do so. If Mr. Hayet prefers, ACES has also posted the database on a password protected FTP site, and ACES can provide Mr. Hayet the password.

With regard to Kurt's email below, on the June 12 call, we did not agree that ACES would re-run every scenario. ACES did, however, ask Ventyx to use the stripped-down database to run a scenario to verify that the stripping down of the



database did not create any errors or eliminate any necessary information. Ventyx did so, and Ventyx's results were within one-tenth of one percent of ACES' results. This fulfills our commitments made on the June 12 call to provide a working database.

Tyson Kamuf  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street, P.O. Box 727  
Owensboro, Kentucky 42302-0727  
[tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com)  
(270) 926-4000  
(270) 683-6694 fax

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**From:** Kurt Boehm [<mailto:KBoehm@bkllawfirm.com>]

**Sent:** Thursday, June 21, 2012 1:22 PM

**To:** Jim Miller; Tyson Kamuf

**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Raff, Richard (PSC); 'Nguyen, Quang D (PSC)'; Michael Kurtz; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Jody Kyler; Philip Hayet; Lane Kollen

**Subject:** Docket No. 2012-00063- Status of Discovery Issue

Jim and Tyson-

This is an update concerning KIUC's effort to get the "stripped down database" from ACES and the PAR model from Ventyx as discussed on the June 12, 2012 conference call with the parties and Staff.

We have been coordinating with Ventyx, given they were doing the work to strip down the database, and we knew they had been in turn coordinating with ACES. Our assumption is that all of the work is being performed in accordance with the agreement we reached on the June 12 call. Last week, KIUC consultant Phil Hayet coordinated with Ventyx to meet at their offices today, June 21, 2012, to obtain the PAR model and the stripped down database. We assumed that ACES would have given Ventyx the green light to release the stripped down database at that time. This had to be cancelled as details concerning the confidentiality agreement have not been finalized, and work on the database has not been completed as per our agreement from the conference call.

When Mr. Hayet attempted to finalize details yesterday regarding the software and database, he learned that two critical items were still outstanding. 1) Run definitions had not been provided by ACES, and in fact did not exist, and 2) no runs had been performed to evaluate whether or not the stripped down database would reproduce the results that ACES had generated and that were filed in testimony.

With regard to the first item, without the run definitions for each case that ACES performed, neither Ventyx nor Mr. Hayet would be able to know how to recreate the ACES runs. This is because the database has many modeling elements located within it, and a proper run definition is required to select the appropriate subset of elements to create the desired run. As of late yesterday, it was Mr. Hayet's understanding that ACES created some document that they supplied to Ventyx, from which the run definitions could be created.

With regard to the second item, as of late yesterday, no runs had been made to prove that all of the runs that ACES had made previously run could be recreated exactly. While we are certainly hopeful that the runs can be reproduced exactly, problems often crop up with this type of work that have to be worked through, and our

agreement with Big Rivers was that the data supplied would definitely reproduce the results ACES had previously produced. That was confirmed by Tyson on the June 12 conference call. The mere fact that ACES had to create a written document to tell Ventyx how to recreate the run definitions means that no runs have been performed to validate that the Big Rivers results could be recreated exactly.

It may be possible that since last night ACES has verified that all of the cases can be successfully reproduced using the stripped down database, however, we are not aware of the status. We still need to be supplied with the database once the appropriate validation has been completed, and we need to re-schedule with Ventyx for installation. We request that Big Rivers provide us with a plan to complete these steps as quickly as possible, if they have not been completed already.

We are aware that the confidentiality agreement must be signed before Mr. Hayet may be provided with the database, and we are working to complete that today.

Thanks,

Kurt

Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
office: 513-421-2255  
mobile: 513-290-6683  
fax: 513-421-2764

000527

**Michael Kurtz**

---

**From:** Philip Hayet [philhay@concentric.net]  
**Sent:** Monday, June 25, 2012 10:49 AM  
**To:** 'Brian Azman'  
**Cc:** 'Bob Berry (BREC)'; 'Mike Thompson (BREC)'; 'Roger Hickman'; johnwolfram@insightbb.com; 'Jim Miller'; 'Tyson Kamuf'; 'John Sturm'; 'Wayne Harris'; Michael Kurtz; Kurt Boehm; 'Lane Kollen'; 'Brown, David'  
**Subject:** RE: Big Rivers ECP modeling  
**Attachments:** Scenarios needed for Big Rivers Cases.v1.xlsx

Thanks Brian. It appears that 3pm would work for both of us. If that is ok, I will call you then.

One of the things I would like to talk about is how to identify the cases based on the naming conventions. I am attaching the file you sent with an additional column, which I would like to confirm is correct. For example, what I believe is the Build No SCR case includes Scenarios that indicate no Smelter. Also, I would like to understand better the naming conventions for the cases that were not filed in testimony.

I will have other questions as well.

Thanks, and speak to you then.

Phil Hayet

**From:** Brian Azman [mailto:BrianA@acespower.com]  
**Sent:** Monday, June 25, 2012 9:25 AM  
**To:** 'Philip Hayet'  
**Cc:** Bob Berry (BREC); Mike Thompson (BREC); Roger Hickman; johnwolfram@insightbb.com; Jim Miller; 'Tyson Kamuf'; John Sturm; Wayne Harris  
**Subject:** Big Rivers ECP modeling

Phil,

It's been brought to my attention that you may have more questions about the Big Rivers Planning and Risk model that Ventyx cannot answer directly.

Also, since you will be receiving the database directly from Ventyx (as opposed to the APM FTP site), I'm sending you the file that lists the scenarios needed for each of the 20 cases. This file would also have been provided via the APM FTP site had we gone that route.

I have the following times already booked (all times eastern):

Monday 6/25, 10-10:30

Monday 6/25, noon-2:30

Tues 6/26, 8:30 – 9:30

Tues 6/26, 10:00 – 11:30

Brian Azman  
ACES Power Marketing  
317-344-7029

000573

Think before you print

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000529

**Michael Kurtz**

---

**From:** Philip Hayet [philhay@concentric.net]  
**Sent:** Monday, June 25, 2012 5:21 PM  
**To:** 'Brian Azman'  
**Cc:** 'Joe McLeer'; 'Tyson Kamuf'; 'John Wolfram'; 'Roger Hickman'; 'Lindsay Barron'; 'John Sturm'; Michael Kurtz; Kurt Boehm; Jody Kyler; 'Brown, David'; 'Lane Kollen'  
**Subject:** RE: questions that came up today

Thanks Brian,

I have downloaded the latest file containing hourly results. I am trying to digest everything that we discussed today and I believe that now I will need to get together with someone from Big Rivers to identify where the pasted in values that they are responsible for came from. However, before doing that I will have to look through a few more things. Also, I have to prepare for my meeting with Ventyx tomorrow.

Phil

**From:** Brian Azman [mailto:BrianA@acespower.com]  
**Sent:** Monday, June 25, 2012 4:47 PM  
**To:** 'Philip Hayet'  
**Cc:** Joe McLeer; 'Tyson Kamuf'; 'John Wolfram'; Roger Hickman; Lindsay Barron; John Sturm  
**Subject:** questions that came up today

Per our call today,

1. Creation of the "Monthly Net Market Positions" tab
  - a. This data was copied-paste(value)-ed in from another processing file. This file is a 42MB pivot table that we have placed on the APM FTP site for your access. Hourly Data is copied from PaR into the "data" tab and pivot tables summarize this data. This file was re-used for all of the 20 scenarios, so we do not have one saved for each.
  - b. There are presets created in PaR for this data extraction (and for the CSV files). I've asked Joe McLeer if these were part of the extract. If not, we'll provide details of what's in each preset for you to use
  - c. The Monthly Net Market Positions tab is a NET Sales / Net Purchases summary. For every hour of every month, the pivot table/calcs look at Big Rivers total sales (from gen) and total purchases (for load), calculate a net hourly position (either a sale or purchase), then summarize those hours by Monthly Purch and Monthly Sales.
2. I've passed your questions about the rows below the APM data in the Monthly Sources and Uses tab on to Big Rivers.

Phil – I'll send the access information for the FTP site in a separate email

Brian

-----  
Think before you print

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your computer system and destroy any copies of the message as well as any attachments and notify me immediately at (317) 344-7000.

000531

Michael Kurtz

---

**From:** Brian Azman [BrianA@acespower.com]  
**Sent:** Monday, June 25, 2012 5:27 PM  
**To:** Philip Hayet  
**Cc:** Joe McLeer; Tyson Kamuf; John Wolfram; Roger Hickman; Lindsay Barron; John Sturm; Michael Kurtz; Kurt Boehm; Jody Kyler; Brown, David; Lane Kollen  
**Subject:** Re: questions that came up today

I talked to joe at Ventyx. He does not think the presets were part of the extract, but agrees they should be easy to create. Also not "needed" for processing data, but very helpful

Brian

Sent from my iPhone

On Jun 25, 2012, at 5:20 PM, "Philip Hayet"  
<[philhaye@concentric.net](mailto:philhaye@concentric.net)<<mailto:philhaye@concentric.net>>> wrote:

Thanks Brian,

I have downloaded the latest file containing hourly results. I am trying to digest everything that we discussed today and I believe that now I will need to get together with someone from Big Rivers to identify where the pasted in values that they are responsible for came from. However, before doing that I will have to look through a few more things. Also, I have to prepare for my meeting with Ventyx tomorrow.

Phil

**From:** Brian Azman [<mailto:BrianA@acespower.com>]  
**Sent:** Monday, June 25, 2012 4:47 PM  
**To:** 'Philip Hayet'  
**Cc:** Joe McLeer; 'Tyson Kamuf'; 'John Wolfram'; Roger Hickman; Lindsay Barron; John Sturm  
**Subject:** questions that came up today

Per our call today,

000532

1. Creation of the "Monthly Net Market Positions" tab
  - a. This data was copied-paste(value)-ed in from another processing file. This file is a 42MB pivot table that we have placed on the APM FTP site for your access. Hourly Data is copied

from PaR into the "data" tab and pivot tables summarize this data. This file was re-used for all of the 20 scenarios, so we do not have one saved for each.

b. There are presets created in PaR for this data extraction (and for the CSV files). I've asked Joe McLeer if these were part of the extract. If not, we'll provide details of what's in each preset for you to use

c. The Monthly Net Market Positions tab is a NET Sales / Net Purchases summary. For every hour of every month, the pivot table/calcs look at Big Rivers total sales (from gen) and total purchases (for load), calculate a net hourly position (either a sale or purchase), then summarize those hours by Monthly Purch and Monthly Sales.

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Phil – I'll send the access information for the FTP site in a separate email

Brian

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Think before you print

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000533



**Michael Kurtz**

---

**From:** James Giampietro [james.giampietro@sierraclub.org]  
**Sent:** Wednesday, June 27, 2012 1:21 PM  
**To:** Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet; Lane Kollen; Cook, Larry (KYOAG); Howard, Dennis (KYOAG); Jody Kyler  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica  
**Subject:** 2012-00063 [PUBLIC] Ben Taylor & Sierra Club's 3rd Data Request to Big Rivers  
**Attachments:** 2012-00063 SC Cvr Ltr re Conf. Sub 2012-06-27.pdf; 2012-00063 SC 3rd Data Rqst to Big Rivers [PUBLIC] 2012-06-27.pdf; 2012-00063 SC 3rd Data Rqst to Big Rivers [PUBLIC] 2012-06-27.docx

Attached please find a cover letter and the PUBLIC version of Sierra Club's 3rd Data Request to Big Rivers in both .PDF and .DOC formats. Paper copies will be delivered to the Commission and mailed out to parties today. In a few minutes a confidential version of this data request will be emailed to those who have signed the confidentiality agreement.

--

---

James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

000534

**Michael Kurtz**

---

**From:** Cook, Larry (KYOAG) [larry.cook@ag.ky.gov]  
**Sent:** Wednesday, June 27, 2012 1:28 PM  
**To:** James Giampietro; Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet; Lane Kollen; Howard, Dennis (KYOAG); Jody Kyler  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica  
**Subject:** RE: 2012-00063 [PUBLIC] Ben Taylor & Sierra Club's 3rd Data Request to Big Rivers

FYI, the AG will not have any modeling-related DRs for BREC.

Yours,  
Larry Cook

**From:** James Giampietro [mailto:james.giampietro@sierraclub.org]  
**Sent:** Wednesday, June 27, 2012 1:21 PM  
**To:** Kurt J. Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet; Lane Kollen; Cook, Larry (KYOAG); Howard, Dennis (KYOAG); Jody Kyler  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica  
**Subject:** 2012-00063 [PUBLIC] Ben Taylor & Sierra Club's 3rd Data Request to Big Rivers

Attached please find a cover letter and the PUBLIC version of Sierra Club's 3rd Data Request to Big Rivers in both .PDF and .DOC formats. Paper copies will be delivered to the Commission and mailed out to parties today. In a few minutes a confidential version of this data request will be emailed to those who have signed the confidentiality agreement.

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James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

000535

**Michael Kurtz**

---

**From:** James Giampietro [james.giampietro@sierraclub.org]  
**Sent:** Wednesday, June 27, 2012 1:24 PM  
**To:** Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet  
**Cc:** Kristin Henry; Shannon Fisk; Ruben Mojica; Joe Childers  
**Subject:** 2012-00063 [CONFIDENTIAL] Ben Taylor & Sierra Club's 3rd Data Request to Big Rivers  
**Attachments:** 2012-00063 SC 3rd Data Rqst to Big Rivers [CONF] 2012-06-27.pdf; 2012-00063 SC 3rd Data Rqst to Big Rivers [CONF] 2012-06-27.docx

Attached please find the CONFIDENTIAL version of Sierra Club's 3rd Data Request to Big Rivers in both .PDF and .DOCX formats. Paper copies will be delivered to the Commission and mailed out to parties today.

--

---

James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

000536

**Michael Kurtz**

---

**From:** Nguyen, Quang D (PSC) [QuangD.Nguyen@ky.gov]  
**Sent:** Wednesday, June 27, 2012 1:34 PM  
**To:** Cook, Larry (KYOAG); James Giampietro; Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet; Larie Kollen; Howard, Dennis (KYOAG); Jody Kyler  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica  
**Subject:** RE: 2012-00063 [PUBLIC] Ben Taylor & Sierra Club's 3rd Data Request to Big Rivers

Commission Staff will also not have any modeling related questions.

**From:** Cook, Larry (KYOAG) [mailto:larry.cook@ag.ky.gov]  
**Sent:** Wednesday, June 27, 2012 1:28 PM  
**To:** James Giampietro; Kurt J. Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet; Lane Kollen; Howard, Dennis (KYOAG); Jody Kyler  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica  
**Subject:** RE: 2012-00063 [PUBLIC] Ben Taylor & Sierra Club's 3rd Data Request to Big Rivers

FYI, the AG will not have any modeling-related DRs for BREC.

Yours,  
Larry Cook

**From:** James Giampietro [mailto:james.giampietro@sierraclub.org]  
**Sent:** Wednesday, June 27, 2012 1:21 PM  
**To:** Kurt J. Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet; Lane Kollen; Cook, Larry (KYOAG); Howard, Dennis (KYOAG); Jody Kyler  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica  
**Subject:** 2012-00063 [PUBLIC] Ben Taylor & Sierra Club's 3rd Data Request to Big Rivers

Attached please find a cover letter and the PUBLIC version of Sierra Club's 3rd Data Request to Big Rivers in both .PDF and .DOC formats. Paper copies will be delivered to the Commission and mailed out to parties today. In a few minutes a confidential version of this data request will be emailed to those who have signed the confidentiality agreement.

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James Giampietro  
Sierra Club Environmental Law Program  
85 2nd Street, 2nd Floor  
San Francisco CA, 94105  
Office: (415)977-5638  
Fax: (415)977-5793

000537

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Wednesday, June 27, 2012 5:09 PM  
**To:** jmiller@smsmlaw.com; tkamuf@smsmlaw.com; Raff, Richard (PSC); 'Nguyen, Quang D (PSC)'; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); DeRouen, Jeff (PSC); Burns, Faith (PSC)  
**Cc:** Kurt Boehm; dbrown@stites.com; Lane Kollen; Philip Hayet; Jody Kyler; sbaron@jkenn.com  
**Subject:** KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063  
**Attachments:** KIUC 3rd Set of Data Requests, #2012-00063.pdf; Third Set of Data Requests FINAL.docx

Counsel, attached please find KIUC'S THIRD SET OF DATA REQUESTS TO BIG RIVERS ELECTRIC CORPORATION in .Word and .Pdf format for filing in the above-referenced matter. Hard copies will follow by regular, U.S. Mail.

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000538

**Michael Kurtz**

---

**From:** Tyson Kamuf [tkamuf@smsmlaw.com]  
**Sent:** Thursday, June 28, 2012 8:54 AM  
**To:** Michael Kurtz; Kurt Boehm; dbrown@stites.com  
**Cc:** Jim Miller  
**Subject:** RE: KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063

Mike:

Question KIUC 3.10 states:

Please provide all workpapers for the derivation of the emergency power price used in the database. If none exist, please explain how the price was derived. Please supply this electronically, with all formulas included.

Can you point us to which entry in the database you are referring to?

Thanks,  
Tyson

Tyson Kamuf  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street, P.O. Box 727  
Owensboro, Kentucky 42302-0727  
[tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com)  
(270) 926-4000  
(270) 683-6694 fax

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**From:** Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]  
**Sent:** Wednesday, June 27, 2012 4:09 PM  
**To:** Jim Miller; Tyson Kamuf; Raff, Richard (PSC); 'Nguyen, Quang D (PSC)'; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); DeRouen, Jeff (PSC); Burns, Faith (PSC)  
**Cc:** Kurt Boehm; [dbrown@stites.com](mailto:dbrown@stites.com); Lane Kollen; Philip Hayet; Jody Kyler; [sbaron@jkenn.com](mailto:sbaron@jkenn.com)  
**Subject:** KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063

Counsel, attached please find KIUC'S THIRD SET OF DATA REQUESTS TO BIG RIVERS ELECTRIC CORPORATION in .Word and .Pdf format for filing in the above-referenced matter. Hard copies will follow by regular, U.S. Mail.

000539

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 E. Seventh St., Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000510

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Thursday, June 28, 2012 8:57 AM  
**To:** 'Tyson Kamuf'; Kurt Boehm; [dbrown@stites.com](mailto:dbrown@stites.com)  
**Cc:** Jim Miller  
**Subject:** RE: KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063

Tyson.

I have sent your question to Phil and should have a response soon.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**From:** Tyson Kamuf [<mailto:tkamuf@smsmlaw.com>]  
**Sent:** Thursday, June 28, 2012 8:54 AM  
**To:** Michael Kurtz; Kurt Boehm; [dbrown@stites.com](mailto:dbrown@stites.com)  
**Cc:** Jim Miller  
**Subject:** RE: KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063

Mike:

Question KIUC 3.10 states:

Please provide all workpapers for the derivation of the emergency power price used in the database. If none exist, please explain how the price was derived. Please supply this electronically, with all formulas included.

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Thanks,  
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Tyson Kamuf  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street, P.O. Box 727  
Owensboro, Kentucky 42302-0727  
[tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com)  
(270) 926-4000  
(270) 683-6694 fax

000541

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**From:** Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]  
**Sent:** Wednesday, June 27, 2012 4:09 PM



**To:** Jim Miller; Tyson Kamuf; Raff, Richard (PSC); 'Nguyen, Quang D (PSC)'; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); DeRouen, Jeff (PSC); Burns, Faith (PSC)  
**Cc:** Kurt Boehm; [dbrown@stites.com](mailto:dbrown@stites.com); Lane Kollen; Philip Hayet; Jody Kyler; [sbaron@jkenn.com](mailto:sbaron@jkenn.com)  
**Subject:** KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063

Counsel, attached please find KIUC'S THIRD SET OF DATA REQUESTS TO BIG RIVERS ELECTRIC CORPORATION in .Word and .Pdf format for filing in the above-referenced matter. Hard copies will follow by regular, U.S. Mail.

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

0005/12

**Michael Kurtz**

---

**From:** Philip Hayet [philhay@concentric.net]  
**Sent:** Thursday, June 28, 2012 6:48 PM  
**To:** 'Tyson Kamuf'  
**Cc:** Michael Kurtz; Kurt Boehm; 'Brown, David'  
**Subject:** RE: KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063

Tyson, Mike asked me to respond, and I apologize for not doing so earlier.

My question originated from a review of the .Yr report. The Station Group Report identifies an Emergency Not Served power price in \$/MWH that was included in the model runs.

Thanks,

Phil Hayet

**From:** Michael Kurtz [mailto:MKurtz@bkllawfirm.com]  
**Sent:** Thursday, June 28, 2012 8:56 AM  
**To:** 'Philip Hayet'  
**Subject:** FW: KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063

Please respond

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKllawfirm.com](mailto:mkurtz@BKllawfirm.com)

**From:** Tyson Kamuf [mailto:tkamuf@smsmlaw.com]  
**Sent:** Thursday, June 28, 2012 8:54 AM  
**To:** Michael Kurtz; Kurt Boehm; [dbrown@stites.com](mailto:dbrown@stites.com)  
**Cc:** Jim Miller  
**Subject:** RE: KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063

Mike:

Question KIUC 3.10 states:

Please provide all workpapers for the derivation of the emergency power price used in the database. If none exist, please explain how the price was derived. Please supply this electronically, with all formulas included.

Can you point us to which entry in the database you are referring to?

Thanks,  
Tyson

000543

Tyson Kamuf  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street, P.O. Box 727  
Owensboro, Kentucky 42302-0727  
[tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com)  
(270) 926-4000  
(270) 683-6694 fax

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**From:** Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]

**Sent:** Wednesday, June 27, 2012 4:09 PM

**To:** Jim Miller; Tyson Kamuf; Raff, Richard (PSC); 'Nguyen, Quang D (PSC)'; Cook, Larry (KYOAG); James, Matt (KYOAG); Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James Giampietro; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); DeRouen, Jeff (PSC); Burns, Faith (PSC)

**Cc:** Kurt Boehm; [dbrown@stites.com](mailto:dbrown@stites.com); Lane Kollen; Philip Hayet; Jody Kyler; [sbaron@jkenn.com](mailto:sbaron@jkenn.com)

**Subject:** KIUC's Third Set of Data Requests to BREC, Docket No. 2012-00063

Counsel, attached please find KIUC'S THIRD SET OF DATA REQUESTS TO BIG RIVERS ELECTRIC CORPORATION in .Word and .Pdf format for filing in the above-referenced matter. Hard copies will follow by regular, U.S. Mail.

Michael L. Kurtz, Esq.  
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Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKLLawfirm.com](mailto:MKurtz@BKLLawfirm.com)

000144

**Michael Kurtz**

---

**From:** Nguyen, Quang D (PSC) [QuangD.Nguyen@ky.gov]  
**Sent:** Friday, July 06, 2012 7:54 AM  
**To:** jmiller@smsmlaw.com; tkamuf@smsmlaw.com; Kurt Boehm; Jody Kyler; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com  
**Subject:** 2012-00063 Big Rivers ECP

All –

As is usual in these type cases, the Commission will schedule two public meetings in Big Rivers' service territory next month, just prior to the formal hearing. The Commission will have a public meeting in Paducah on Monday, August 13 and in Henderson on Tuesday, August 14. The time and venue have not been set but I will provide those information as soon as they are known – most likely sometime next week.

Quang D. Nguyen  
Staff Attorney  
Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602-0615  
Office: (502) 564-3940, ext. 256  
Fax: (502) 564-7279  
Email: [QuangD.Nguyen@ky.gov](mailto:QuangD.Nguyen@ky.gov)  
Website: <http://psc.ky.gov>



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080715

**Michael Kurtz**

---

**From:** Nguyen, Quang D (PSC) [QuangD.Nguyen@ky.gov]  
**Sent:** Monday, July 09, 2012 8:17 AM  
**To:** jmiller@smsmlaw.com; tkamuf@smsmlaw.com; Michael Kurtz; Kurt Boehm; Jody Kyler; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com  
**Subject:** FW: BREC ECP/ESM public meetings  
**Attachments:** BREC ECP/ESM public meetings

All –

Attached is an email regarding the time and venue for the public meetings to be held in this matter.

Jim and Tyson – could you please forward this information along to the relevant representatives of Jackson Purchase, Kenergy and Meade so that they are aware of these meetings as well. Thanks.

Quang D. Nguyen  
Staff Attorney  
Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602-0615  
Office: (502) 564-3940, ext. 256  
Fax: (502) 564-7279  
Email: [QuangD.Nguyen@ky.gov](mailto:QuangD.Nguyen@ky.gov)  
Website: <http://psc.ky.gov>



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000546

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Monday, July 09, 2012 4:39 PM  
**To:** 'DeRouen, Jeff (PSC)'  
**Subject:** FW: Memorandum  
**Attachments:** Memo\_001.pdf

Jeff.

Per our discussion here is the email trail showing that Big Rivers received the memo in question.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**From:** Brown, David [<mailto:DBROWN@stites.com>]  
**Sent:** Thursday, July 05, 2012 10:07 AM  
**To:** Gosselin, Serge (RTA); Jenkins, Jeremy (RTA); Schneider, Pam (RTA)  
**Cc:** Michael Kurtz; Seberger, Donald (RTSS)  
**Subject:** FW: Memorandum

All -

On Tuesday Don and Michael Early agreed that the memorandum sent to Mike Haden should be provided to Big Rivers. Attached is my email to Jim Miller transmitting the memorandum.

David

David C. Brown  
Stites & Harbison, PLLC  
400 W. Market Street  
Suite 1800  
Louisville, KY 40202-3352  
Direct Dial: (502) 681-0421  
Fax: (502) 779-8251  
[dbrown@stites.com](mailto:dbrown@stites.com)

**From:** Brown, David  
**Sent:** Thursday, July 05, 2012 10:03 AM  
**To:** 'Jim Miller'  
**Cc:** 'Seberger, Donald (RTSS)'; 'Early, Michael'  
**Subject:** Memorandum

Jim - attached is an internal memorandum that the clients requested. On Tuesday they shared it with Mike Haden and consequently we are providing Big Rivers with a copy.

David

000547

David C. Brown  
Stites & Harbison, PLLC  
400 W. Market Street  
Suite 1800  
Louisville, KY 40202-3352  
Direct Dial: (502) 681-0421  
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**To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.**

000548

**Michael Kurtz**

---

**From:** DeRouen, Jeff (PSC) [Jeff.DeRouen@ky.gov]  
**Sent:** Monday, July 09, 2012 4:43 PM  
**To:** Michael Kurtz  
**Subject:** RE: Memorandum

Thanks.

**From:** Michael Kurtz [mailto:MKurtz@bklfirm.com]  
**Sent:** Monday, July 09, 2012 4:39 PM  
**To:** DeRouen, Jeff (PSC)  
**Subject:** FW: Memorandum

Jeff.

Per our discussion here is the email trail showing that Big Rivers received the memo in question.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLlawfirm.com](mailto:mkurtz@BKLlawfirm.com)

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000549

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000530

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Wednesday, July 11, 2012 4:51 PM  
**To:** 'Nguyen, Quang D (PSC)'; jmillier@smsmlaw.com; tkamuf@smsmlaw.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); 'cleung@earthjustice.org'; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler; Kurt Boehm  
**Subject:** KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063  
**Attachments:** KIUC Motion for Extension & Informal Conf..pdf

Counsel, attached pleas find KIUC's MOTION FOR EXTENSION OF TIME AND REQUEST FOR INFORMAL CONFERENCE filed in the above-referenced docket. Hard copies have been sent by regular, U.S. mail.

We have requested that the Commission schedule an informal conference tomorrow (July 12) in order to discuss this motion.

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000511

**Michael Kurtz**

---

**From:** Nguyen, Quang D (PSC) [QuangD.Nguyen@ky.gov]  
**Sent:** Thursday, July 12, 2012 7:39 AM  
**To:** Michael Kurtz; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler; Kurt Boehm  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

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**From:** Michael Kurtz [mailto:MKurtz@bkllawfirm.com]  
**Sent:** Wednesday, July 11, 2012 4:51 PM  
**To:** Nguyen, Quang D (PSC); jmiller@smsmlaw.com; tkamuf@smsmlaw.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); 'cleung@earthjustice.org'; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler; Kurt Boehm  
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Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKllawfirm.com](mailto:MKurtz@BKllawfirm.com)

000512

**Michael Kurtz**

---

**From:** Jim Miller [jmiller@smsmlaw.com]  
**Sent:** Thursday, July 12, 2012 9:13 AM  
**To:** Nguyen, Quang D (PSC); Michael Kurtz; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler; Kurt Boehm  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Quang:

Big Rivers is available at 1:00 p.m. today (presumably EDT) for a telephonic informal conference.

Jim

James M. Miller  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KY 42302-0727  
Telephone (270) 926-4000  
Direct Dial (270) 691-1640  
Fax (270) 683-6694

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**From:** Nguyen, Quang D (PSC) [<mailto:QuangD.Nguyen@ky.gov>]  
**Sent:** Thursday, July 12, 2012 6:39 AM  
**To:** Michael Kurtz; Jim Miller; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler; Kurt Boehm  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

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Michael L. Kurtz, Esq.

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Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000514

**Michael Kurtz**

---

**From:** Kurt Boehm  
**Sent:** Thursday, July 12, 2012 9:32 AM  
**To:** 'Jim Miller'; Nguyen, Quang D (PSC); Michael Kurtz; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Quang- KIUC is available at 1pm today.

Kurt

Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
office: 513-421-2255  
mobile: 513-290-6683  
fax: 513-421-2764

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**Sent:** Thursday, July 12, 2012 9:13 AM  
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**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Quang:

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Jim

James M. Miller  
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100 St. Ann Street  
P.O. Box 727  
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Telephone (270) 926-4000  
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**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm

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**Sent:** Wednesday, July 11, 2012 4:51 PM

**To:** Nguyen, Quang D (PSC); [jmiller@smsmlaw.com](mailto:jmiller@smsmlaw.com); [tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com); Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org); [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); [cleung@earthjustice.org](mailto:cleung@earthjustice.org); DeRouen, Jeff (PSC)

**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm

**Subject:** KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

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Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY**

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Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

[MKurtz@BKLLawfirm.com](mailto:MKurtz@BKLLawfirm.com)

000000

**Michael Kurtz**

---

**From:** Cook, Larry (KYOAG) [larry.cook@ag.ky.gov]  
**Sent:** Thursday, July 12, 2012 9:51 AM  
**To:** Kurt Boehm; Jim Miller; Nguyen, Quang D (PSC); Michael Kurtz; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

The AG will call in.

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**Cc:** dbrown@stites.com; Jody Kyler  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

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Kurt

Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY  
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000517



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**To:** Michael Kurtz; Jim Miller; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org); [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); [cleung@earthjustice.org](mailto:cleung@earthjustice.org); DeRouen, Jeff (PSC)  
**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm  
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Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000019

**Michael Kurtz**

---

**From:** Nguyen, Quang D (PSC) [QuangD.Nguyen@ky.gov]  
**Sent:** Thursday, July 12, 2012 10:14 AM  
**To:** Cook, Larry (KYOAG); Kurt Boehm; Jim Miller; Michael Kurtz; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

The telephonic IC will be scheduled for 1pm today. To attend the teleconference, please dial (502) 564-9110. When prompted for a conference access code, enter 5643941.

**From:** Cook, Larry (KYOAG) [mailto:larry.cook@ag.ky.gov]  
**Sent:** Thursday, July 12, 2012 9:51 AM  
**To:** Kurt Boehm; Jim Miller; Nguyen, Quang D (PSC); Michael Kurtz; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; DeRouen, Jeff (PSC)  
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**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

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Kurt

Kurt J. Boehm, Esq.  
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**From:** Jim Miller [mailto:jmiller@smsmlaw.com]  
**Sent:** Thursday, July 12, 2012 9:13 AM  
**To:** Nguyen, Quang D (PSC); Michael Kurtz; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler; Kurt Boehm  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

000559

Quang:

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Jim

James M. Miller  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street  
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**From:** Nguyen, Quang D (PSC) [<mailto:QuangD.Nguyen@ky.gov>]  
**Sent:** Thursday, July 12, 2012 6:39 AM  
**To:** Michael Kurtz; Jim Miller; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org); [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); [cleung@earthjustice.org](mailto:cleung@earthjustice.org); DeRouen, Jeff (PSC)  
**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Staff is available at 1pm today for an informal conference, which can be conducted via teleconference. Staff will also be available any time tomorrow.

---

**From:** Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]  
**Sent:** Wednesday, July 11, 2012 4:51 PM  
**To:** Nguyen, Quang D (PSC); [jmiller@smsmlaw.com](mailto:jmiller@smsmlaw.com); [tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com); Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org); [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); [cleung@earthjustice.org](mailto:cleung@earthjustice.org); DeRouen, Jeff (PSC)  
**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm  
**Subject:** KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Counsel, attached pleas find KIUC's MOTION FOR EXTENSION OF TIME AND REQUEST FOR INFORMAL CONFERENCE filed in the above-referenced docket. Hard copies have been sent by regular, U.S. mail.

We have requested that the Commission schedule an informal conference tomorrow (July 12) in order to discuss this motion.

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764

6/20/12

MKurtz@BKLawfirm.com

000711

**Michael Kurtz**

---

**From:** Christopher Leung [cleung@earthjustice.org]  
**Sent:** Thursday, July 12, 2012 10:22 AM  
**To:** Michael Kurtz  
**Cc:** Shannon Fisk  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Hi Michael,

One small detail: The motion's certificate of service states that Shannon and I work at the Chicago office of the Natural Resources Defense Council. We actually both work at Earthjustice's New York office at the address listed below. Thanks.

Chris

---

Christopher Leung  
Staff Attorney  
Earthjustice  
156 William Street, Suite 800  
New York, New York 10038  
T: 212-791-1881 x8235  
F: 212-918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

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**From:** Michael Kurtz [mailto:MKurtz@bklawfirm.com]  
**Sent:** Wednesday, July 11, 2012 4:51 PM  
**To:** 'Nguyen, Quang D (PSC)'; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; Shannon Fisk; childerslaw81@gmail.com; James, Matt (KYOAG); Christopher Leung; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler; Kurt Boehm  
**Subject:** KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

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000500

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY

36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000163

**Michael Kurtz**

---

**From:** Kristin Henry [kristin.henry@sierraclub.org]  
**Sent:** Thursday, July 12, 2012 10:52 AM  
**To:** Nguyen, Quang D (PSC)  
**Cc:** Hans, Jennifer (KYOAG); Tyson Kamuf; cleung@earthjustice.org; dbrown@stites.com; Jim Miller; DeRouen, Jeff (PSC); childerslaw81@gmail.com; Cook, Larry (KYOAG); Michael Kurtz; Kurt Boehm; James, Matt (KYOAG); Jody Kyler; sfisk@earthjustice.org; Howard, Dennis (KYOAG)  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Sierra Club is available at that time.

On Jul 12, 2012 7:14 AM, "Nguyen, Quang D (PSC)" <[QuangD.Nguyen@ky.gov](mailto:QuangD.Nguyen@ky.gov)> wrote:

The telephonic IC will be scheduled for 1pm today. To attend the teleconference, please dial (502) 564-9110. When prompted for a conference access code, enter 5643941.

**From:** Cook, Larry (KYOAG) [mailto:[larry.cook@ag.ky.gov](mailto:larry.cook@ag.ky.gov)]  
**Sent:** Thursday, July 12, 2012 9:51 AM  
**To:** Kurt Boehm; Jim Miller; Nguyen, Quang D (PSC); Michael Kurtz; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org); [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); [cleung@earthjustice.org](mailto:cleung@earthjustice.org); DeRouen, Jeff (PSC)  
**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

The AG will call in.

**From:** Kurt Boehm [mailto:[KBoehm@bkllawfirm.com](mailto:KBoehm@bkllawfirm.com)]  
**Sent:** Thursday, July 12, 2012 9:32 AM  
**To:** 'Jim Miller'; Nguyen, Quang D (PSC); Michael Kurtz; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org); [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); [cleung@earthjustice.org](mailto:cleung@earthjustice.org); DeRouen, Jeff (PSC)  
**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Quang- KIUC is available at 1pm today.

Kurt

000564

Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

office: 513-421-2255

mobile: 513-290-6683

fax: 513-421-2764

**From:** Jim Miller [<mailto:jmiller@smsmlaw.com>]

**Sent:** Thursday, July 12, 2012 9:13 AM

**To:** Nguyen, Quang D (PSC); Michael Kurtz; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org); [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); [cleung@earthjustice.org](mailto:cleung@earthjustice.org); DeRouen, Jeff (PSC)

**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm

**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Quang:

Big Rivers is available at 1:00 p.m. today (presumably EDT) for a telephonic informal conference.

Jim

James M. Miller

Sullivan, Mountjoy, Stainback & Miller, P.S.C.

100 St. Ann Street

P.O. Box 727

Owensboro, KY 42302-0727

Telephone (270) 926-4000

Direct Dial (270) 691-1640

Fax (270) 683-6694

000165



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---

**From:** Nguyen, Quang D (PSC) [<mailto:QuangD.Nguyen@ky.gov>]  
**Sent:** Thursday, July 12, 2012 6:39 AM  
**To:** Michael Kurtz; Jim Miller; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org); [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); [cleung@earthjustice.org](mailto:cleung@earthjustice.org); DeRouen, Jeff (PSC)  
**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

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**From:** Michael Kurtz [<mailto:MKurtz@bklawfirm.com>]  
**Sent:** Wednesday, July 11, 2012 4:51 PM  
**To:** Nguyen, Quang D (PSC); [jmiller@smsmlaw.com](mailto:jmiller@smsmlaw.com); [tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com); Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org); [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); [cleung@earthjustice.org](mailto:cleung@earthjustice.org); DeRouen, Jeff (PSC)  
**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm  
**Subject:** KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

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We have requested that the Commission schedule an informal conference tomorrow (July 12) in order to discuss this motion.

000506

Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY**

36 E. Seventh St., Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

MKurtz@BKLawfirm.com

000567

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Thursday, July 12, 2012 5:29 PM  
**To:** 'Christopher Leung'  
**Cc:** Shannon Fisk; Kim Walton; Sheila Fisk  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Chris.

Sorry. We will fix our certificate.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**From:** Christopher Leung [<mailto:cleung@earthjustice.org>]  
**Sent:** Thursday, July 12, 2012 10:22 AM  
**To:** Michael Kurtz  
**Cc:** Shannon Fisk  
**Subject:** RE: KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

Hi Michael,

One small detail: The motion's certificate of service states that Shannon and I work at the Chicago office of the Natural Resources Defense Council. We actually both work at Earthjustice's New York office at the address listed below. Thanks.

Chris

---

Christopher Leung  
Staff Attorney  
Earthjustice  
156 William Street, Suite 800  
New York, New York 10038  
T: 212-791-1881 x8235  
F: 212-918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

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**From:** Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]  
**Sent:** Wednesday, July 11, 2012 4:51 PM  
**To:** 'Nguyen, Quang D (PSC)'; [jmiller@smsmlaw.com](mailto:jmiller@smsmlaw.com); [tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com); Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); [kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org); Shannon Fisk; [childerslaw81@gmail.com](mailto:childerslaw81@gmail.com); James, Matt (KYOAG); Christopher Leung; DeRouen, Jeff (PSC)

**Cc:** [dbrown@stites.com](mailto:dbrown@stites.com); Jody Kyler; Kurt Boehm

**Subject:** KIUC Motion for Extension & Informal Conference, Docket No. 2012-00063

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Michael L. Kurtz, Esq.

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Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000569

Michael Kurtz

---

**From:** Philip Hayet [philhayet@concentric.net]  
**Sent:** Saturday, July 14, 2012 7:07 PM  
**To:** 'Brian Azman'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Michael Kurtz; Kurt Boehm; 'Lane Kollen'; 'Brown, David'  
**Subject:** RE: Build No SCR case

Thanks,

I am hoping you will have an answer Monday morning and I would like to call you to discuss this if at all possible, and to make sure that I am clear on the scenarios used to run the cases that were reported in Mr. Hite's testimony. There seems to be other issues such as the Build Case having Green 1 & 2 turned on and off different months of each year. I am assuming you have gotten the stripped down data base from Ventyx and can look at the Build Case which in addition to the base data pulls in the scenarios:

CSAPR.ByEquip.Gen  
CSAPR.ByEquip.Price

The June 25th cross reference files mapped those files to the appropriate PCM file, APM PCM file, and Financial Model.

Thanks,  
Phil

-----Original Message-----

**From:** Brian Azman [<mailto:BrianA@acespower.com>]  
**Sent:** Friday, July 13, 2012 5:48 PM  
**To:** Philip Hayet  
**Cc:** Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram  
**Subject:** RE: Build No SCR case

Hi Phil

i'll look into this question and get back with you

brian

000570

---

**From:** Philip Hayet [philhayet@concentric.net]  
**Sent:** Friday, July 13, 2012 4:53 PM  
**To:** Brian Azman

Subject: RE: Build No SCR case

Brian,

I would appreciate it if you would clarify the proper names of the two scenarios that are included with the base data in PaR that leads to the creation of the Build No SCR case.

From the two cross reference files provided in your email on June 25th, the Financial model for the Build NO SCR case:

Financial Forecast (2012-2026) Build No SCR 03-08-2012

Points to the PCM file:

Big Rivers 2012-2026 (CSAPR-MATS by equip) no SCR (2-18-12)

And that PCM file relates to the APM PCM file:

Big Rivers.15Year.CSAPR By Equip New [2/18/12]

Then from a second cross reference file you sent on the same day, it says that the APM PCM file:

Big Rivers.15Year.CSAPR By Equip New [2/18/12]

Is associated with the PaR scenarios that need to be pulled in to make the Build No SCR run.

The scenarios are:

CSAPRByEquip.GenNoSmelter

CSAPRByEquip.PriceNoSmelter

It appears that the smelter load is not included as it should be, which you noted in a third email that day, in which you indicated that you have to uncheck the "Load Scalar". I think that you have to switch the market price forecast as well, as it appears to be the case with the market prices reduced by 7%. Furthermore, there seems to be a change to the Green 1 VO&M that is unexpected. Is there possibly a different set of scenario files that should be pulled in to be certain of generating the Build No SCR case that matches the Build No SCR case that you performed.

Please let me know as soon as possible.

Phil Hayet

000571

-----  
Think before you print

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000572

**Michael Kurtz**

---

**From:** Philip Hayet [philhayet@concentric.net]  
**Sent:** Saturday, July 14, 2012 7:33 PM  
**To:** 'Brian Azman'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Michael Kurtz; Kurt Boehm; 'Lane Kollen'; 'Brown, David'  
**Subject:** RE: Build No SCR case

Brian,

Also, the settings for turning the Green 1 and 2 units on and off in different months appears to be different also in the Build NO Smelter cases.

In other words the Big Rivers results indicates that the units are always on, while the stripped down data I have that is supposed to run those cases indicates they are turned on and off in different months.

If you could look at that too, I would appreciate it.

Thanks,

Phil

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**From:** Philip Hayet [mailto:philhayet@concentric.net]  
**Sent:** Saturday, July 14, 2012 7:07 PM  
**To:** 'Brian Azman'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'  
**Subject:** RE: Build No SCR case

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CSAPR.ByEquip.Gen  
CSAPR.ByEquip.Price

000573



The June 25th cross reference files mapped those files to the appropriate PCM file, APM PCM file, and Financial Model.

Thanks,  
Phil

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Sent: Friday, July 13, 2012 5:48 PM  
To: Philip Hayet  
Cc: Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram  
Subject: RE: Build No SCR case

Hi Phil

i'll look into this question and get back with you

brian

---

From: Philip Hayet [philhay@concentric.net]  
Sent: Friday, July 13, 2012 4:53 PM  
To: Brian Azman  
Subject: RE: Build No SCR case

Brian,

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Financial Forecast (2012-2026) Build No SCR 03-08-2012

Points to the PCM file:  
Big Rivers 2012-2026 (CSAPR-MATS by equip) no SCR (2-18-12)

000574

And that PCM file relates to the APM PCM file:  
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Please let me know as soon as possible.

Phil Hayet

-----

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000575

**Michael Kurtz**

---

**From:** Brian Azman [BrianA@acespower.com]  
**Sent:** Saturday, July 14, 2012 7:36 PM  
**To:** Philip Hayet  
**Cc:** Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram; Michael Kurtz; Kurt Boehm; Lane Kollen; Brown, David  
**Subject:** Re: Build No SCR case

Will take a look  
Brian

Sent from my iPhone

On Jul 14, 2012, at 7:33 PM, "Philip Hayet" <[philhaye@concentric.net](mailto:philhaye@concentric.net)> wrote:

> Brian,  
>  
> Also, the settings for turning the Green 1 and 2 units on and off in  
> different months appears to be different also in the Build NO Smelter cases.  
> In other words the Big Rivers results indicates that the units are  
> always on, while the stripped down data I have that is supposed to run  
> those cases indicates they are turned on and off in different months.  
>  
> If you could look at that too, I would appreciate it.  
>  
> Thanks,  
>  
> Phil  
>  
> -----Original Message-----  
> From: Philip Hayet [<mailto:philhaye@concentric.net>]  
> Sent: Saturday, July 14, 2012 7:07 PM  
> To: 'Brian Azman'  
> Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram';  
> 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'  
> Subject: RE: Build No SCR case  
>  
> Thanks,  
>  
> I am hoping you will have an answer Monday morning and I would like to  
> call you to discuss this if at all possible, and to make sure that I

000576

> am clear on the scenarios used to run the cases that were reported in  
> Mr. Hite's testimony. There seems to be other issues such as the  
> Build Case having Green 1 & 2 turned on and off different months of  
> each year. I am assuming you have gotten the stripped down data base  
> from Ventyx and can look at the Build Case which in addition to the base data pulls in the  
> scenarios:

>  
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> CSAPR.ByEquip.Price  
>  
> The June 25th cross reference files mapped those files to the  
> appropriate PCM file, APM PCM file, and Financial Model.

>  
> Thanks,  
> Phil

>  
> -----Original Message-----  
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> Sent: Friday, July 13, 2012 5:48 PM  
> To: Philip Hayet  
> Cc: Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram  
> Subject: RE: Build No SCR case

>  
> Hi Phil  
>  
> i'll look into this question and get back with you

>  
> brian  
> \_\_\_\_\_  
> From: Philip Hayet [[philhay@concentric.net](mailto:philhay@concentric.net)]  
> Sent: Friday, July 13, 2012 4:53 PM  
> To: Brian Azman  
> Subject: RE: Build No SCR case

000577

>  
> Brian,  
>  
> I would appreciate it if you would clarify the proper names of the two  
> scenarios that are included with the base data in PaR that leads to  
> the creation of the Build No SCR case.

>  
> From the two cross reference files provided in your email on June

> 25th, the Financial model for the Build NO SCR case:  
> Financial Forecast (2012-2026) Build No SCR 03-08-2012  
>  
>  
> Points to the PCM file:  
> Big Rivers 2012-2026 (CSAPR-MATS by equip) no SCR (2-18-12)  
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>  
> Then from a second cross reference file you sent on the same day, it  
> says that the APM PCM file:  
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> switch the market price forecast as well, as it appears to be the case  
> with the market prices reduced by 7%. Furthermore, there seems to be  
> a change to the Green 1 VO&M that is unexpected. Is there possibly a  
> different set of scenario files that should be pulled in to be certain  
> of generating the Build No SCR case that matches the Build No SCR case that you performed.  
>  
> Please let me know as soon as possible.  
>  
> Phil Hayet  
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>  
> Think before you print  
>  
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000579

**Michael Kurtz**

---

**From:** Brian Azman [BrianA@acespower.com]  
**Sent:** Saturday, July 14, 2012 7:36 PM  
**To:** Philip Hayet  
**Cc:** Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram; Michael Kurtz; Kurt Boehm; Lane Kollen; Brown, David  
**Subject:** Re: Build No SCR case

Was hoping to have a reply today. Still waiting on a confirmation of part from big rivers

Brian

Sent from my iPhone

On Jul 14, 2012, at 7:07 PM, "Philip Hayet" <[philhayet@concentric.net](mailto:philhayet@concentric.net)> wrote:

> Thanks,

>

> I am hoping you will have an answer Monday morning and I would like to

> call you to discuss this if at all possible, and to make sure that I

> am clear on the scenarios used to run the cases that were reported in

> Mr. Hite's testimony. There seems to be other issues such as the

> Build Case having Green 1 & 2 turned on and off different months of

> each year. I am assuming you have gotten the stripped down data base

> from Ventyx and can look at the Build Case which in addition to the base data pulls in the scenarios:

>

> CSAPR.ByEquip.Gen

> CSAPR.ByEquip.Price

>

> The June 25th cross reference files mapped those files to the

> appropriate PCM file, APM PCM file, and Financial Model.

>

> Thanks,

> Phil

>

> -----Original Message-----

> From: Brian Azman [<mailto:BrianA@acespower.com>]

> Sent: Friday, July 13, 2012 5:48 PM

> To: Philip Hayet

> Cc: Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram

000530

> Subject: RE: Build No SCR case  
>  
> Hi Phil  
>  
> i'll look into this question and get back with you  
>  
> brian  
> \_\_\_\_\_  
> From: Philip Hayet [philhayet@concentric.net]  
> Sent: Friday, July 13, 2012 4:53 PM  
> To: Brian Azman  
> Subject: RE: Build No SCR case  
>  
> Brian,  
>  
> I would appreciate it if you would clarify the proper names of the two  
> scenarios that are included with the base data in PaR that leads to  
> the creation of the Build No SCR case.  
>  
> From the two cross reference files provided in your email on June  
> 25th, the Financial model for the Build NO SCR case:  
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> Points to the PCM file:  
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> And that PCM file relates to the APM PCM file:  
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000331



> you have to uncheck the "Load Scalar". I think that you have to  
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> Please let me know as soon as possible.

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000582

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**Michael Kurtz**

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**From:** Philip Hayet [philhayet@concentric.net]  
**Sent:** Monday, July 16, 2012 1:12 PM  
**To:** 'Brian Azman'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Mike Thompson (BREC)'; Kurt Boehm; Michael Kurtz; 'Lane Kollen'; 'Brown, David'  
**Subject:** Cross Reference  
**Attachments:** Copy-BREC Financial Model vs BREC PCM vs APM PCM index.xlsx

Brian,

Attached is a spreadsheet which matches up the Financial Model name that was used to create the NPV results that were reported in Mr. Hite's testimony with the PCM file name, the APM PCM file name, and the names of the two scenarios that were required to run the PaR model to create the same cases.

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The concern about the Green Units is associated with the Build and the Build NO Smelter cases.

Thank you very much, and I hope you can provide that right away.

Phil Hayet

-----Original Message-----

**From:** Brian Azman [mailto:BrianA@acespower.com]  
**Sent:** Monday, July 16, 2012 7:04 AM  
**To:** 'Philip Hayet'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)  
**Subject:** RE: Build No SCR case

Hi Phil

000533

Which case are you looking at?

Or, which file name might help get me to the spot quicker

Thx  
brian

-----Original Message-----

From: Philip Hayet [mailto:philhayet@concentric.net]

Sent: Saturday, July 14, 2012 7:33 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

Subject: RE: Build No SCR case

Brian,

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In other words the Big Rivers results indicates that the units are always on, while the stripped down data I have that is supposed to run those cases indicates they are turned on and off in different months.

If you could look at that too, I would appreciate it.

Thanks,

Phil

-----Original Message-----

From: Philip Hayet [mailto:philhayet@concentric.net]

Sent: Saturday, July 14, 2012 7:07 PM

To: 'Brian Azman'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

Subject: RE: Build No SCR case

Thanks,

000584

I am hoping you will have an answer Monday morning and I would like to call you to discuss this if at all possible, and to make sure that I am clear on the scenarios used to run the cases that were reported in Mr. Hite's testimony. There seems to be other issues such as the Build Case having Green 1 & 2 turned on and off different months of each year. I am assuming you have gotten the stripped down data base from Ventyx and can look at the Build Case which in addition to the base data pulls in the scenarios:

CSAPR.ByEquip.Gen  
CSAPR.ByEquip.Price

The June 25th cross reference files mapped those files to the appropriate PCM file, APM PCM file, and Financial Model.

Thanks,  
Phil

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]  
Sent: Friday, July 13, 2012 5:48 PM  
To: Philip Hayet  
Cc: Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram  
Subject: RE: Build No SCR case

Hi Phil

i'll look into this question and get back with you

brian

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From: Philip Hayet [philhayet@concentric.net]  
Sent: Friday, July 13, 2012 4:53 PM  
To: Brian Azman  
Subject: RE: Build No SCR case

Brian,

I would appreciate it if you would clarify the proper names of the two scenarios that are included with the base data in PaR that leads to the creation of the Build No SCR case.

From the two cross reference files provided in your email on June 25th, the Financial model for the Build NO SCR case:

000535

Financial Forecast (2012-2026) Build No SCR 03-08-2012

Points to the PCM file:

Big Rivers 2012-2026 (CSAPR-MATS by equip) no SCR (2-18-12)

And that PCM file relates to the APM PCM file:

Big Rivers.15Year.CSAPR By Equip New [2/18/12]

Then from a second cross reference file you sent on the same day, it says that the APM PCM file:

Big Rivers.15Year.CSAPR By Equip New [2/18/12]

Is associated with the PaR scenarios that need to be pulled in to make the Build No SCR run.

The scenarios are:

CSAPRByEquip.GenNoSmelter

CSAPRByEquip.PriceNoSmelter

It appears that the smelter load is not included as it should be, which you noted in a third email that day, in which you indicated that you have to uncheck the "Load Scalar". I think that you have to switch the market price forecast as well, as it appears to be the case with the market prices reduced by 7%. Furthermore, there seems to be a change to the Green 1 VO&M that is unexpected. Is there possibly a different set of scenario files that should be pulled in to be certain of generating the Build No SCR case that matches the Build No SCR case that you performed.

Please let me know as soon as possible.

Phil Hayet

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000536

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or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete the original message from your computer system and destroy any copies of the message as well as any attachments and notify me immediately at (317) 344-7000.

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000587

Michael Kurtz

---

**From:** Philip Hayet [philhay@concentric.net]  
**Sent:** Monday, July 16, 2012 2:34 PM  
**To:** 'Brian Azman'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Mike Thompson (BREC)'; Michael Kurtz; Kurt Boehm; 'Lane Kollen'; 'Brown, David'  
**Subject:** RE: Cross Reference  
**Attachments:** Copy-BREC Financial Model vs BREC PCM vs APM PCM index1.xlsx

Brian,

I made one more amendment to the spreadsheet to include the specific assumptions folder that matches up to the 7 cases that are included in the table. If you could fill that in also I would appreciate it. The reason there are 7 is that 6 cases were included in Mr. Hite's testimony and the 7th is the one I believe you ran for benchmarking the run that Ventyx ran, which was not included in the testimony.

Thanks very much,

Phil Hayet

-----Original Message-----

**From:** Brian Azman [mailto:BrianA@acespower.com]  
**Sent:** Monday, July 16, 2012 1:14 PM  
**To:** 'Philip Hayet'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)  
**Subject:** RE: Cross Reference

Thanks Phil

Will get right on this  
brian

-----Original Message-----

**From:** Philip Hayet [mailto:philhay@concentric.net]  
**Sent:** Monday, July 16, 2012 1:12 PM  
**To:** Brian Azman  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Kurt Boehm'; 'Michael Kurtz'; 'Lane Kollen'; 'Brown, David'  
**Subject:** Cross Reference

Brian,

000538

Attached is a spreadsheet which matches up the Financial Model name that was used to create the NPV results that were reported in Mr. Hite's testimony with the PCM file name, the APM PCM file name, and the names of the two scenarios that were required to run the PaR model to create the same cases.

This information is consistent with the cross reference tables that you provided on the 25th. Since that time, and including today, you have provided some corrections. Can you take this table and make the appropriate changes to it. For example, in your email earlier today you indicated there was some back-and-forth between Big Rivers and APM on what the correct run should include for the Build No SCR case and you indicated required changes to the scenarios that need to be included in the PaR run. Again, I would appreciate it if you indicate that change in the table, and highlight the change. If there are any other necessary changes so that the scenarios in PaR are the same ones that will generate the production cost results that ended up in the financial model (NPV tab in particular).

The concern about the Green Units is associated with the Build and the Build NO Smelter cases.

Thank you very much, and I hope you can provide that right away.

Phil Hayet

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]

Sent: Monday, July 16, 2012 7:04 AM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Build No SCR case

Hi Phil

Which case are you looking at?

Or, which file name might help get me to the spot quicker

Thx  
brian

000539

-----Original Message-----



From: Philip Hayet [mailto:philhay@concentric.net]

Sent: Saturday, July 14, 2012 7:33 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

Subject: RE: Build No SCR case

Brian,

Also, the settings for turning the Green 1 and 2 units on and off in different months appears to be different also in the Build NO Smelter cases.

In other words the Big Rivers results indicates that the units are always on, while the stripped down data I have that is supposed to run those cases indicates they are turned on and off in different months.

If you could look at that too, I would appreciate it.

Thanks,

Phil

-----Original Message-----

From: Philip Hayet [mailto:philhay@concentric.net]

Sent: Saturday, July 14, 2012 7:07 PM

To: 'Brian Azman'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

Subject: RE: Build No SCR case

Thanks,

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CSAPR.ByEquip.Gen

CSAPR.ByEquip.Price

000300

The June 25th cross reference files mapped those files to the appropriate PCM file, APM PCM file, and Financial Model.

Thanks,  
Phil

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]  
Sent: Friday, July 13, 2012 5:48 PM  
To: Philip Hayet  
Cc: Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram  
Subject: RE: Build No SCR case

Hi Phil

i'll look into this question and get back with you

brian

---

From: Philip Hayet [philhay@concentric.net]  
Sent: Friday, July 13, 2012 4:53 PM  
To: Brian Azman  
Subject: RE: Build No SCR case

Brian,

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From the two cross reference files provided in your email on June 25th, the Financial model for the Build NO SCR case:

Financial Forecast (2012-2026) Build No SCR 03-08-2012

Points to the PCM file:

Big Rivers 2012-2026 (CSAPR-MATS by equip) no SCR (2-18-12)

And that PCM file relates to the APM PCM file:

Big Rivers.15Year.CSAPR By Equip New [2/18/12]

000591

Then from a second cross reference file you sent on the same day, it says that the APM PCM file:

Big Rivers.15Year.CSAPR By Equip New [2/18/12]

Is associated with the PaR scenarios that need to be pulled in to make the Build No SCR run.

The scenarios are:

CSAPRByEquip.GenNoSmelter

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It appears that the smelter load is not included as it should be, which you noted in a third email that day, in which you indicated that you have to uncheck the "Load Scalar". I think that you have to switch the market price forecast as well, as it appears to be the case with the market prices reduced by 7%. Furthermore, there seems to be a change to the Green 1 VO&M that is unexpected. Is there possibly a different set of scenario files that should be pulled in to be certain of generating the Build No SCR case that matches the Build No SCR case that you performed.

Please let me know as soon as possible.

Phil Hayet

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**Michael Kurtz**

---

**From:** Philip Hayet [philhay@concentric.net]  
**Sent:** Monday, July 16, 2012 3:42 PM  
**To:** 'Brian Azman'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Mike Thompson (BREC)'; Michael Kurtz; Kurt Boehm; 'Brown, David'; 'Lane Kollen'  
**Subject:** RE: Cross Reference

Thanks Brian,

I will look through everything in more detail and make sure everything seems clear. For now, just one question. Since the CSAPR by Gen folder has three separate Assumptions folders in it, is it correct to assume that they are all the same. If not, which one goes with the Buy and Buy No Smelter cases were submitted in testimony?

Thanks very much,

Phil

-----Original Message-----

**From:** Brian Azman [mailto:BrianA@acespower.com]  
**Sent:** Monday, July 16, 2012 3:03 PM  
**To:** 'Philip Hayet'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)  
**Subject:** RE: Cross Reference

Think this will map the assumptions folders to the runs. for the "CSAPR By Gen" folder, these runs all go with the "assumptions" folder.

brian

-----Original Message-----

**From:** Philip Hayet [mailto:philhay@concentric.net]  
**Sent:** Monday, July 16, 2012 2:34 PM  
**To:** Brian Azman  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

000594

Subject: RE: Cross Reference

Brian,

I made one more amendment to the spreadsheet to include the specific assumptions folder that matches up to the 7 cases that are included in the table. If you could fill that in also I would appreciate it. The reason there are 7 is that 6 cases were included in Mr. Hite's testimony and the 7th is the one I believe you ran for benchmarking the run that Ventyx ran, which was not included in the testimony.

Thanks very much,

Phil Hayet

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Sent: Monday, July 16, 2012 1:14 PM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Cross Reference

Thanks Phil

Will get right on this

brian

-----Original Message-----

From: Philip Hayet [mailto:philhay@concentric.net]

Sent: Monday, July 16, 2012 1:12 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Kurt Boehm'; 'Michael Kurtz'; 'Lane Kollen'; 'Brown, David'

Subject: Cross Reference

Brian,

000505

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000596

Subject: RE: Build No SCR case

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CSAPR.ByEquip.Price

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Thanks,  
Phil



-----Original Message-----

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Sent: Friday, July 13, 2012 5:48 PM  
To: Philip Hayet  
Cc: Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram  
Subject: RE: Build No SCR case

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brian

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000598

Is associated with the PaR scenarios that need to be pulled in to make the Build No SCR run.  
The scenarios are:

CSAPRByEquip.GenNoSmelter  
CSAPRByEquip.PriceNoSmelter

It appears that the smelter load is not included as it should be, which you noted in a third email that day, in which you indicated that you have to uncheck the "Load Scalar". I think that you have to switch the market price forecast as well, as it appears to be the case with the market prices reduced by 7%. Furthermore, there seems to be a change to the Green 1 VO&M that is unexpected. Is there possibly a different set of scenario files that should be pulled in to be certain of generating the Build No SCR case that matches the Build No SCR case that you performed.

Please let me know as soon as possible.

Phil Hayet

-----

Think before you print

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Think before you print

000539

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000600

**Michael Kurtz**

---

**From:** Philip Hayet [philhayet@concentric.net]  
**Sent:** Monday, July 16, 2012 4:29 PM  
**To:** 'Brian Azman'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Mike Thompson (BREC)'; 'Lane Kollen'; Michael Kurtz; Kurt Boehm; 'Brown, David'  
**Subject:** RE: Cross Reference

I assume what you mean is that it is the highest level folder under CSAPR by Gen Folder, as there are sub folders under the CSAPR by Gen Folder with other Assumptions folders.

Thanks  
Phil

-----Original Message-----

**From:** Brian Azman [mailto:BrianA@acespower.com]  
**Sent:** Monday, July 16, 2012 4:04 PM  
**To:** 'Philip Hayet'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)  
**Subject:** RE: Cross Reference

Under the CSAPR by Gen folder, the cases you mention all use the folder called "Assumptions"

brian

-----Original Message-----

**From:** Philip Hayet [mailto:philhayet@concentric.net]  
**Sent:** Monday, July 16, 2012 3:42 PM  
**To:** Brian Azman  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Michael Kurtz'; 'Kurt Boehm'; 'Brown, David'; 'Lane Kollen'  
**Subject:** RE: Cross Reference

Thanks Brian,

I will look through everything in more detail and make sure everything seems clear. For now, just one question. Since the CSAPR by Gen folder has three separate Assumptions folders in it, is it correct to assume that they are all the same. If not, which one goes with the Buy and Buy No Smelter cases were submitted in testimony?

000801

Thanks very much,

Phil

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]

Sent: Monday, July 16, 2012 3:03 PM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Cross Reference

Think this will map the assumptions folders to the runs. for the "CSAPR By Gen" folder, these runs all go with the "assumptions" folder.

brian

-----Original Message-----

From: Philip Hayet [mailto:philhayet@concentric.net]

Sent: Monday, July 16, 2012 2:34 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC);

'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

Subject: RE: Cross Reference

Brian,

I made one more amendment to the spreadsheet to include the specific assumptions folder that matches up to the 7 cases that are included in the table. If you could fill that in also I would appreciate it. The reason there are 7 is that 6 cases were included in Mr. Hite's testimony and the 7th is the one I believe you ran for benchmarking the run that Ventyx ran, which was not included in the testimony.

Thanks very much,

Phil Hayet

000602

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]  
Sent: Monday, July 16, 2012 1:14 PM  
To: 'Philip Hayet'  
Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)  
Subject: RE: Cross Reference

Thanks Phil

Will get right on this  
brian

-----Original Message-----

From: Philip Hayet [mailto:philhay@concentric.net]  
Sent: Monday, July 16, 2012 1:12 PM  
To: Brian Azman  
Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Kurt Boehm'; 'Michael Kurtz'; 'Lane Kollen'; 'Brown, David'  
Subject: Cross Reference

Brian,

Attached is a spreadsheet which matches up the Financial Model name that was used to create the NPV results that were reported in Mr. Hite's testimony with the PCM file name, the APM PCM file name, and the names of the two scenarios that were required to run the PaR model to create the same cases.

This information is consistent with the cross reference tables that you provided on the 25th. Since that time, and including today, you have provided some corrections. Can you take this table and make the appropriate changes to it. For example, in your email earlier today you indicated there was some back-and-forth between Big Rivers and APM on what the correct run should include for the Build No SCR case and you indicated required changes to the scenarios that need to be included in the PaR run. Again, I would appreciate it if you indicate that change in the table, and highlight the change. If there are any other necessary changes so that the scenarios in PaR are the same ones that will generate the production cost results that ended up in the financial model (NPV tab in particular).

The concern about the Green Units is associated with the Build and the Build NO Smelter cases.

Thank you very much, and I hope you can provide that right away.

000803

Phil Hayet

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]

Sent: Monday, July 16, 2012 7:04 AM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Build No SCR case

Hi Phil

Which case are you looking at?

Or, which file name might help get me to the spot quicker

Thx

brian

-----Original Message-----

From: Philip Hayet [mailto:philhay@concentric.net]

Sent: Saturday, July 14, 2012 7:33 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

Subject: RE: Build No SCR case

Brian,

Also, the settings for turning the Green 1 and 2 units on and off in different months appears to be different also in the Build NO Smelter cases.

In other words the Big Rivers results indicates that the units are always on, while the stripped down data I have that is supposed to run those cases indicates they are turned on and off in different months.

If you could look at that too, I would appreciate it.

Thanks,

000504

Phil

-----Original Message-----

From: Philip Hayet [mailto:philhaye@concentric.net]

Sent: Saturday, July 14, 2012 7:07 PM

To: 'Brian Azman'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

Subject: RE: Build No SCR case

Thanks,

I am hoping you will have an answer Monday morning and I would like to call you to discuss this if at all possible, and to make sure that I am clear on the scenarios used to run the cases that were reported in Mr. Hite's testimony. There seems to be other issues such as the Build Case having Green 1 & 2 turned on and off different months of each year. I am assuming you have gotten the stripped down data base from Ventyx and can look at the Build Case which in addition to the base data pulls in the scenarios:

CSAPR.ByEquip.Gen

CSAPR.ByEquip.Price

The June 25th cross reference files mapped those files to the appropriate PCM file, APM PCM file, and Financial Model.

Thanks,

Phil

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]

Sent: Friday, July 13, 2012 5:48 PM

To: Philip Hayet

Cc: Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram

Subject: RE: Build No SCR case

Hi Phil

i'll look into this question and get back with you

brian

---

From: Philip Hayet [philhaye@concentric.net]

Sent: Friday, July 13, 2012 4:53 PM

000805



To: Brian Azman  
Subject: RE: Build No SCR case

Brian,

I would appreciate it if you would clarify the proper names of the two scenarios that are included with the base data in PaR that leads to the creation of the Build No SCR case.

From the two cross reference files provided in your email on June 25th, the Financial model for the Build NO SCR case:  
Financial Forecast (2012-2026) Build No SCR 03-08-2012

Points to the PCM file:  
Big Rivers 2012-2026 (CSAPR-MATS by equip) no SCR (2-18-12)

And that PCM file relates to the APM PCM file:  
Big Rivers.15Year.CSAPR By Equip New [2/18/12]

Then from a second cross reference file you sent on the same day, it says that the APM PCM file:  
Big Rivers.15Year.CSAPR By Equip New [2/18/12]

Is associated with the PaR scenarios that need to be pulled in to make the Build No SCR run. The scenarios are:  
CSAPRByEquip.GenNoSmelter  
CSAPRByEquip.PriceNoSmelter

It appears that the smelter load is not included as it should be, which you noted in a third email that day, in which you indicated that you have to uncheck the "Load Scalar". I think that you have to switch the market price forecast as well, as it appears to be the case with the market prices reduced by 7%. Furthermore, there seems to be a change to the Green 1 VO&M that is unexpected. Is there possibly a different set of scenario files that should be pulled in to be certain of generating the Build No SCR case that matches the Build No SCR case that you performed.

Please let me know as soon as possible.

Phil Hayet

000606

-----  
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000607

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000608

**Michael Kurtz**

---

**From:** Philip Hayet [philhay@concentric.net]  
**Sent:** Monday, July 16, 2012 5:12 PM  
**To:** 'Brian Azman'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Mike Thompson (BREC)'; Kurt Boehm; Michael Kurtz; 'Lane Kollen'; 'Brown, David'  
**Subject:** RE: Cross Reference

Brian,

The build case says: Commit = "Must Run" Jan-Feb, Jul-Aug, Dec. Commit = "Economic" Mar-Jun, Sept-Nov. See below

Is that referring to both Green units?

Thanks,

Phil

-----Original Message-----

**From:** Brian Azman [mailto:BrianA@acespower.com]  
**Sent:** Monday, July 16, 2012 4:04 PM  
**To:** 'Philip Hayet'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)  
**Subject:** RE: Cross Reference

Under the CSAPR by Gen folder, the cases you mention all use the folder called "Assumptions"

brian

-----Original Message-----

**From:** Philip Hayet [mailto:philhay@concentric.net]  
**Sent:** Monday, July 16, 2012 3:42 PM  
**To:** Brian Azman  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Michael Kurtz'; 'Kurt Boehm'; 'Brown, David'; 'Lane Kollen'  
**Subject:** RE: Cross Reference

Thanks Brian,

000809

I will look through everything in more detail and make sure everything seems clear. For now, just one question. Since the CSAPR by Gen folder has three separate Assumptions folders in it,

is it correct to assume that they are all the same. If not, which one goes with the Buy and Buy No Smelter cases were submitted in testimony?

Thanks very much,

Phil

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Sent: Monday, July 16, 2012 3:03 PM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Cross Reference

Think this will map the assumptions folders to the runs. for the "CSAPR By Gen" folder, these runs all go with the "assumptions" folder.

brian

-----Original Message-----

From: Philip Hayet [mailto:philhay@concentric.net]

Sent: Monday, July 16, 2012 2:34 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

Subject: RE: Cross Reference

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Thanks very much,

000510

Phil Hayet

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]

Sent: Monday, July 16, 2012 1:14 PM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Cross Reference

Thanks Phil

Will get right on this

brian

-----Original Message-----

From: Philip Hayet [mailto:philhaye@concentric.net]

Sent: Monday, July 16, 2012 1:12 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Kurt Boehm'; 'Michael Kurtz'; 'Lane Kollen'; 'Brown, David'

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The concern about the Green Units is associated with the Build and the Build NO Smelter cases.

000911

Thank you very much, and I hope you can provide that right away.

Phil Hayet

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]

Sent: Monday, July 16, 2012 7:04 AM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Build No SCR case

Hi Phil

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Or, which file name might help get me to the spot quicker

Thx  
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Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm';  
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In other words the Big Rivers results indicates that the units are always on, while the stripped down data I have that is supposed to run those cases indicates they are turned on and off in different months.

If you could look at that too, I would appreciate it.

000812

Thanks,

Phil

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From: Philip Hayet [mailto:philhay@concentric.net]

Sent: Saturday, July 14, 2012 7:07 PM

To: 'Brian Azman'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

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CSAPR.ByEquip.Gen

CSAPR.ByEquip.Price

The June 25th cross reference files mapped those files to the appropriate PCM file, APM PCM file, and Financial Model.

Thanks,

Phil

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]

Sent: Friday, July 13, 2012 5:48 PM

To: Philip Hayet

Cc: Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram

Subject: RE: Build No SCR case

Hi Phil

i'll look into this question and get back with you

000613



brian

---

From: Philip Hayet [philhayet@concentric.net]  
Sent: Friday, July 13, 2012 4:53 PM  
To: Brian Azman  
Subject: RE: Build No SCR case

Brian,

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And that PCM file relates to the APM PCM file:  
Big Rivers.15Year.CSAPR By Equip New [2/18/12]

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000814

Please let me know as soon as possible.

Phil Hayet

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000616

**Michael Kurtz**

---

**From:** Philip Hayet [philhayet@concentric.net]  
**Sent:** Tuesday, July 17, 2012 10:05 AM  
**To:** 'Brian Azman'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Mike Thompson (BREC)'; Michael Kurtz; Kurt Boehm; 'Lane Kollen'; 'Brown, David'  
**Subject:** RE: Cross Reference

Brian, if you look on your directory, you will see that the Coleman Out and the Green out folders also have subfolders that have Assumptions folders. So the question is which of the three apply? I assume it is the one at the highest level, or it may be that they are all copies of the same thing. If they are different it may be because the lower level ones are sensitivity cases.

Also, I just want to make sure of one more thing. The spreadsheet you supplied with your corrections that I need to make to reproduce your cases, and the additional spreadsheet that shows the name of the corresponding Assumptions folder, has a case that I identified as ACES and that apparently was the case that Ventyx ran as a test. Can you confirm that the prices in there is the ACES market price forecast as opposed to the Pace market price forecast.. In other words that is the ACES market prices that were used in studies when the Pace forecast was replaced in the load concentration study. If not what PaR scenario has the ACES market price forecast?

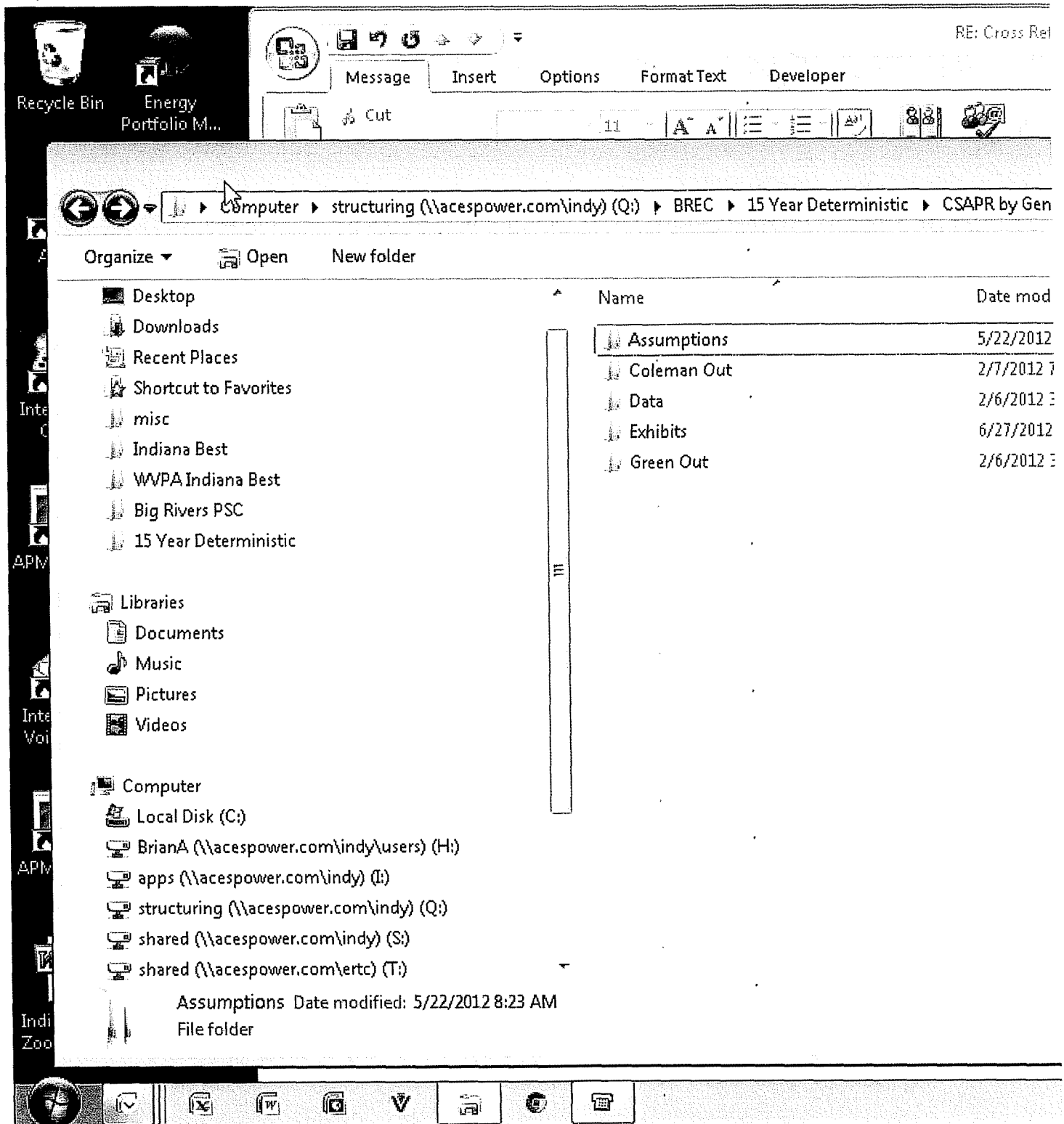
Thanks,

Phil

**From:** Brian Azman [mailto:BrianA@acespower.com]  
**Sent:** Monday, July 16, 2012 5:58 PM  
**To:** 'Philip Hayet'  
**Cc:** 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)  
**Subject:** RE: Cross Reference

Hmm, maybe the folder structure you received is different than the one on the APM network. Ours looks like this (under CSAPR by Gen)

000817



I've zipped and attached the "Assumptions" folder just to be sure.

brian

000000

-----Original Message-----

From: Philip Hayet [mailto:philhayet@concentric.net]

Sent: Monday, July 16, 2012 4:29 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Lane Kollen'; 'Michael Kurtz'; 'Kurt Boehm'; 'Brown, David'

Subject: RE: Cross Reference

I assume what you mean is that it is the highest level folder under CSAPR by Gen Folder, as there are sub folders under the CSAPR by Gen Folder with other Assumptions folders.

Thanks

Phil

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]

Sent: Monday, July 16, 2012 4:04 PM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Cross Reference

Under the CSAPR by Gen folder, the cases you mention all use the folder called "Assumptions"

brian

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From: Philip Hayet [mailto:philhayet@concentric.net]

Sent: Monday, July 16, 2012 3:42 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Michael Kurtz'; 'Kurt Boehm'; 'Brown, David'; 'Lane Kollen'

Subject: RE: Cross Reference

Thanks Brian,

I will look through everything in more detail and make sure everything seems clear. For now, just one question. Since the CSAPR by Gen folder has three separate Assumptions folders in it, is it correct to assume that they are all the same. If not, which one goes with the Buy and Buy No Smelter cases were submitted in testimony?

Thanks very much,

Phil

000819

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Sent: Monday, July 16, 2012 3:03 PM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Cross Reference

Think this will map the assumptions folders to the runs. for the "CSAPR By Gen" folder, these runs all go with the "assumptions" folder.

brian

-----Original Message-----

From: Philip Hayet [mailto:philhayet@concentric.net]

Sent: Monday, July 16, 2012 2:34 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC);

'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'

Subject: RE: Cross Reference

Brian,

I made one more amendment to the spreadsheet to include the specific assumptions folder that matches up to the 7 cases that are included in the table. If you could fill that in also I would appreciate it. The reason there are 7 is that 6 cases were included in Mr. Hite's testimony and the 7th is the one I believe you ran for benchmarking the run that Ventyx ran, which was not included in the testimony.

Thanks very much,

Phil Hayet

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]

Sent: Monday, July 16, 2012 1:14 PM

To: 'Philip Hayet'

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)

Subject: RE: Cross Reference

Thanks Phil

Will get right on this

brian

-----Original Message-----

From: Philip Hayet [mailto:philhayet@concentric.net]

Sent: Monday, July 16, 2012 1:12 PM

To: Brian Azman

Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC); 'Kurt

Boehm'; 'Michael Kurtz'; 'Lane Kollen'; 'Brown, David'

Subject: Cross Reference

Brian,

Attached is a spreadsheet which matches up the Financial Model name that was used to create the NPV results that were reported in Mr. Hite's testimony with the PCM file name, the APM PCM file name, and the names of the two scenarios that were required to run the PaR model to create the same cases.

This information is consistent with the cross reference tables that you provided on the 25th. Since that time, and including today, you have provided some corrections. Can you take this table and make the appropriate changes to it. For example, in your email earlier today you indicated there was some back-and-forth between Big Rivers and APM on what the correct run should include for the Build No SCR case and you indicated required changes to the scenarios that need to be included in the PaR run. Again, I would appreciate it if you indicate that change in the table, and highlight the change. If there are any other

necessary changes so that the scenarios in PaR are the same ones that will generate the production cost results that ended up in the financial model (NPV tab in particular).

The concern about the Green Units is associated with the Build and the Build NO Smelter cases.

Thank you very much, and I hope you can provide that right away.

Phil Hayet

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]  
Sent: Monday, July 16, 2012 7:04 AM  
To: 'Philip Hayet'  
Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; Mike Thompson (BREC)  
Subject: RE: Build No SCR case

Hi Phil

Which case are you looking at?

Or, which file name might help get me to the spot quicker

Thx  
brian

-----Original Message-----

From: Philip Hayet [mailto:philhay@concentric.net]  
Sent: Saturday, July 14, 2012 7:33 PM  
To: Brian Azman  
Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'  
Subject: RE: Build No SCR case

Brian,

Also, the settings for turning the Green 1 and 2 units on and off in different months appears to be different also in the Build NO Smelter cases.

In other words the Big Rivers results indicates that the units are always on, while the stripped down data I have that is supposed to run those cases indicates they are turned on and off in different months.

If you could look at that too, I would appreciate it.

Thanks,

Phil

-----Original Message-----

From: Philip Hayet [mailto:philhay@concentric.net]  
Sent: Saturday, July 14, 2012 7:07 PM  
To: 'Brian Azman'  
Cc: 'Jim Miller'; 'Tyson Kamuf'; 'Roger Hickman'; 'John Wolfram'; 'Michael Kurtz'; 'Kurt Boehm'; 'Lane Kollen'; 'Brown, David'  
Subject: RE: Build No SCR case

000621



Thanks,

I am hoping you will have an answer Monday morning and I would like to call you to discuss this if at all possible, and to make sure that I am clear on the scenarios used to run the cases that were reported in Mr. Hite's testimony. There seems to be other issues such as the Build Case having Green 1 & 2 turned on and off different months of each year. I am assuming you have gotten the stripped down data base from Ventyx and can look at the Build Case which in addition to the base data pulls in the scenarios:

CSAPR.ByEquip.Gen  
CSAPR.ByEquip.Price

The June 25th cross reference files mapped those files to the appropriate PCM file, APM PCM file, and Financial Model.

Thanks,  
Phil

-----Original Message-----

From: Brian Azman [mailto:BrianA@acespower.com]  
Sent: Friday, July 13, 2012 5:48 PM  
To: Philip Hayet  
Cc: Jim Miller; Tyson Kamuf; Roger Hickman; John Wolfram  
Subject: RE: Build No SCR case

Hi Phil

i'll look into this question and get back with you

brian

---

From: Philip Hayet [philhayet@concentric.net]  
Sent: Friday, July 13, 2012 4:53 PM  
To: Brian Azman  
Subject: RE: Build No SCR case

Brian,

I would appreciate it if you would clarify the proper names of the two scenarios that are included with the base data in PaR that leads to the creation of the Build No SCR case.

From the two cross reference files provided in your email on June 25th, the Financial model for the Build NO SCR case:  
Financial Forecast (2012-2026) Build No SCR 03-08-2012

Points to the PCM file:  
Big Rivers 2012-2026 (CSAPR-MATS by equip) no SCR (2-18-12)

And that PCM file relates to the APM PCM file:  
Big Rivers.15Year.CSAPR By Equip New [2/18/12]

Then from a second cross reference file you sent on the same day, it says that the APM PCM file:  
Big Rivers.15Year.CSAPR By Equip New [2/18/12]

000622

Is associated with the PaR scenarios that need to be pulled in to make the Build No SCR run.  
The scenarios are:  
CSAPRByEquip.GenNoSmelter  
CSAPRByEquip.PriceNoSmelter

It appears that the smelter load is not included as, it should be, which you noted in a third email that day, in which you indicated that you have to uncheck the "Load Scalar". I think that you have to switch the market price forecast as well, as it appears to be the case with the market prices reduced by 7%. Furthermore, there seems to be a change to the Green 1 VO&M that is unexpected. Is there possibly a different set of scenario files that should be pulled in to be certain of generating the Build No SCR case that matches the Build No SCR case that you performed.

Please let me know as soon as possible.

Phil Hayet

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Think before you print

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-----

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000624

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Monday, July 23, 2012 4:41 PM  
**To:** 'Nguyen, Quang D (PSC)'; jmillersmsmlaw.com; tkamuf@smsmlaw.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); 'cleung@earthjustice.org'; DeRouen, Jeff (PSC)  
**Cc:** dbrown@stites.com; Jody Kyler; Kurt Boehm; sbaron@jkenn.com; Lane Kollen; Philip Hayet  
**Subject:** KIUC's Direct Testimony and Exhibits, (Confidential and Non-Confidential), Docket No. 2012-00063  
**Attachments:** Hayet Direct Testimony & Exhibits - (PUBLIC) FINAL.pdf; Baron Direct Testimony & Exhibits (PUBLIC) - FINAL.pdf; Kollen Direct Testimony & Exhibits FINAL.pdf; CONFIDENTIAL Hayet Direct Exhibits.pdf; CONFIDENTIAL Baron Direct Exhibits.pdf

Counsel, attached please find the DIRECT TESTIMONY AND EXHIBITS of LANE KOLLEN, and the PUBLIC VERSIONS of the DIRECT TESTIMONY AND EXHIBITS of PHILIP HAYET and STEPHEN J. BARON on behalf of KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. for filing in the above-referenced docket. I also attach the CONFIDENTIAL EXHIBITS filed under seal. Hard copies have been sent by regular, U.S. mail.

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000625

**Michael Kurtz**

---

**From:** Saurabh Aneja [saurabh.aneja@sierraclub.org]  
**Sent:** Monday, July 23, 2012 7:41 PM  
**To:** Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet; Lane Kollen; Cook, Larry (KYOAG); Howard, Dennis (KYOAG); Jody Kyler  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica; James.giampietro@sierraclub.org  
**Subject:** 2012-00063 [PUBLIC] Direct Testimony of Behalf of the Sierra Club  
**Attachments:** William Steinhurst Direct Testimony - Public Version.pdf; Rachel Wilson Direct Testimony - Public Version.pdf

Greetings,

Attached please find the Public Versions of the Direct Testimony of Rachel Wilson and William Steinhurst of Synapse Energy filed on behalf of Intervenor Ben Taylor and Sierra Club. Confidential and public versions were filed with the Commission and mailed out to parties today. The Confidential Version will be emailed to parties in a separate email.

--

Saurabh Aneja  
Program Assistant  
Sierra Club Environmental Law Program  
85 Second St., 2nd Floor  
San Francisco, CA 94105  
(415) 977-5658  
(415) 977-5793 fax  
[saurabh.aneja@sierraclub.org](mailto:saurabh.aneja@sierraclub.org)

000526

**Michael Kurtz**

---

**From:** Saurabh Aneja [saurabh.aneja@sierraclub.org]  
**Sent:** Monday, July 23, 2012 7:47 PM  
**To:** Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet; Jody Kyler  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica  
**Subject:** 2012-00063 [CONFIDENTIAL] Direct Testimony on Behalf of the Sierra Club  
**Attachments:** Rachel Wilson Direct Testimony - Confidential Version.pdf

Greetings,

Attached please find the Confidential Version of the Direct Testimony of Rachel Wilson of Synapse Energy filed on behalf of intervenors Ben Taylor and Sierra Club. Confidential and public versions were filed with the Commission and mailed out to parties today.

--

Saurabh Aneja  
Program Assistant  
Sierra Club Environmental Law Program  
85 Second St., 2nd Floor  
San Francisco, CA 94105  
(415) 977-5658  
(415) 977-5793 fax  
[saurabh.aneja@sierraclub.org](mailto:saurabh.aneja@sierraclub.org)

CONFIDENTIAL

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Friday, July 27, 2012 9:54 AM  
**To:** Shannon Fisk; Kristin Henry  
**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** Big Rivers

Shannon/Kristin.

Data requests to intervenors are due Monday. It may be helpful if we could coordinate. For example, perhaps you could ask us to re-run the financial model with some of your adjustments included.

Are either of you available for a conference call this afternoon to discuss. Say 2:00 eastern.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

000528

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Friday, July 27, 2012 10:29 AM  
**To:** 'Shannon Fisk'; Kristin Henry  
**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** RE: Big Rivers

OK. 2:00 Eastern today.

866-906-9888 code 518-4986.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**From:** Shannon Fisk [<mailto:sfisk@earthjustice.org>]  
**Sent:** Friday, July 27, 2012 10:19 AM  
**To:** Michael Kurtz; Kristin Henry  
**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** RE: Big Rivers

Thanks for the e-mail. I can join a call at 2pm eastern, or pretty much any other time this afternoon.

**From:** Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]  
**Sent:** Friday, July 27, 2012 9:54 AM  
**To:** Shannon Fisk; Kristin Henry  
**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** Big Rivers

Shannon/Kristin.

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Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

000939



**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Friday, July 27, 2012 3:14 PM  
**To:** Shannon Fisk  
**Cc:** Kristin Henry (kristin.henry@sierraclub.org)  
**Subject:** Re: Big Rivers

Thanks

Sent from my iPhone

On Jul 27, 2012, at 3:02 PM, "Shannon Fisk" <[sfisk@earthjustice.org](mailto:sfisk@earthjustice.org)> wrote:

Mike,

Thanks for reaching out on this. Rachel is going to call Phil to discuss further. I'll keep you posted.

Shannon

**From:** Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]  
**Sent:** Friday, July 27, 2012 9:54 AM  
**To:** Shannon Fisk; Kristin Henry  
**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** Big Rivers

Shannon/Kristin.

Data requests to intervenors are due Monday. It may be helpful if we could coordinate. For example, perhaps you could ask us to re-run the financial model with some of your adjustments included.

Are either of you available for a conference call this afternoon to discuss. Say 2:00 eastern.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

000330

**Michael Kurtz**

---

**From:** Jim Miller [jmiller@smsmlaw.com]  
**Sent:** Saturday, July 28, 2012 4:53 PM  
**To:** Nguyen, Quang D (PSC); Jim Miller; Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; dbrown@stites.com; Jody Kyler; Kurt Boehm; Michael Kurtz  
**Cc:** Tyson Kamuf  
**Subject:** Big Rivers' ECP Case No. 2012-00063  
**Attachments:** Letter 7-26-12-1.pdf

All:

Attached is a letter that was filed at the Public Service Commission in this matter on Friday, July 27, 2012. I apologize for inadvertently overlooking sending this out to you yesterday. Copies are also being served by mail.

Jim

James M. Miller  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KY 42302-0727  
Telephone (270) 926-4000  
Direct Dial (270) 691-1640  
Fax (270) 683-6694

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000631

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Monday, July 30, 2012 1:06 PM  
**To:** 'Jim Miller'; Nguyen, Quang D (PSC); Tyson Kamuf; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; James, Matt (KYOAG); cleung@earthjustice.org; Tyson Kamuf; Burns, Faith (PSC)  
**Cc:** Kurt Boehm; Jody Kyler; dbrown@stites.com  
**Subject:** KIUC 1st Set of Data Requests to Sierra Club, Docket No. 2012-00063  
**Attachments:** 1st Set of Data Requests to Sierra Club.docx; KIUC 1st Set DR to Sierra Club.pdf

Counsel, attached please find KIUC's First Set of Data Requests to Sierra Club in .Word and .Pdf format filed in the above-referenced matter. Hard copies will follow by regular U.S. mail.

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)

000632

**Michael Kurtz**

---

**From:** Tyson Kamuf [tkamuf@smsmlaw.com]  
**Sent:** Monday, July 30, 2012 2:37 PM  
**To:** Nguyen, Quang D (PSC); Burns, Faith (PSC); Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; cleung@earthjustice.org; dbrown@stites.com; Michael Kurtz; Kurt Boehm; Jody Kyler  
**Cc:** Jim Miller  
**Subject:** Big Rivers First Requests for Information to KIUC and to Sierra Club, Case No. 2012-00063  
**Attachments:** Big Rivers First Request for Information to KIUC.docx; Big Rivers First Request for Information to Sierra Club.docx

All:

Attached please find Word versions of Big Rivers' First Request for Information to KIUC and Big Rivers' First Request for Information to Sierra Club. Hardcopies will be filed at the Commission today and will be served on the parties by mail.

Tyson

Tyson Kamuf  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street, P.O. Box 727  
Owensboro, Kentucky 42302-0727  
[tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com)  
(270) 926-4000  
(270) 683-6694 fax

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000833

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Friday, July 27, 2012 9:54 AM  
**To:** Shannon Fisk; Kristin Henry  
**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** Big Rivers

Shannon/Kristin.

Data requests to intervenors are due Monday. It may be helpful if we could coordinate. For example, perhaps you could ask us to re-run the financial model with some of your adjustments included.

Are either of you available for a conference call this afternoon to discuss. Say 2:00 eastern.

Michael L. Kurtz, Esq.  
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E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

000634

**Michael Kurtz**

---

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**Sent:** Friday, July 27, 2012 10:29 AM  
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**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** RE: Big Rivers

OK. 2:00 Eastern today.

866-906-9888 code 518-4986.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

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**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** RE: Big Rivers

Thanks for the e-mail. I can join a call at 2pm eastern, or pretty much any other time this afternoon.

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**Sent:** Friday, July 27, 2012 9:54 AM  
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BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

000635

**Michael Kurtz**

---

**From:** Shannon Fisk [sfisk@earthjustice.org]  
**Sent:** Friday, July 27, 2012 3:02 PM  
**To:** Michael Kurtz  
**Cc:** Kristin Henry (kristin.henry@sierraclub.org)  
**Subject:** RE: Big Rivers

Mike,

Thanks for reaching out on this. Rachel is going to call Phil to discuss further. I'll keep you posted.

Shannon

**From:** Michael Kurtz [mailto:MKurtz@bkllawfirm.com]  
**Sent:** Friday, July 27, 2012 9:54 AM  
**To:** Shannon Fisk; Kristin Henry  
**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** Big Rivers

Shannon/Kristin.

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Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
E-mail: [mkurtz@BKllawfirm.com](mailto:mkurtz@BKllawfirm.com)

000836

**Michael Kurtz**

---

**From:** Michael Kurtz  
**Sent:** Friday, July 27, 2012 3:14 PM  
**To:** Shannon Fisk  
**Cc:** Kristin Henry (kristin.henry@sierraclub.org)  
**Subject:** Re: Big Rivers

Thanks

Sent from my iPhone

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Shannon

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**Sent:** Friday, July 27, 2012 9:54 AM  
**To:** Shannon Fisk; Kristin Henry  
**Cc:** 'Brown, David'; Kurt Boehm; 'Philip Hayet'; '1-Lane Kollen'  
**Subject:** Big Rivers

Shannon/Kristin.

Data requests to intervenors are due Monday. It may be helpful if we could coordinate. For example, perhaps you could ask us to re-run the financial model with some of your adjustments included.

Are either of you available for a conference call this afternoon to discuss. Say 2:00 eastern.

Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
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000337



**Michael Kurtz**

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**From:** Tyson Kamuf [tkamuf@smsmlaw.com]  
**Sent:** Monday, July 30, 2012 2:37 PM  
**To:** Nguyen, Quang D (PSC); Burns, Faith (PSC); Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); James, Matt (KYOAG); kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com; cleung@earthjustice.org; dbrown@stites.com; Michael Kurtz; Kurt Boehm; Jody Kyler  
**Cc:** Jim Miller  
**Subject:** Big Rivers First Requests for Information to KIUC and to Sierra Club, Case No. 2012-00063  
**Attachments:** Big Rivers First Request for Information to KIUC.docx; Big Rivers First Request for Information to Sierra Club.docx

All:

Attached please find Word versions of Big Rivers' First Request for Information to KIUC and Big Rivers' First Request for Information to Sierra Club. Hardcopies will be filed at the Commission today and will be served on the parties by mail.

Tyson

Tyson Kamuf  
Sullivan, Mountjoy, Stainback & Miller, P.S.C.  
100 St. Ann Street, P.O. Box 727  
Owensboro, Kentucky 42302-0727  
[tkamuf@smsmlaw.com](mailto:tkamuf@smsmlaw.com)  
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**Michael Kurtz**

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**From:** Ruben Mojica [ruben.mojica@sierraclub.org]  
**Sent:** Monday, July 30, 2012 3:33 PM  
**To:** Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Raff, Richard (PSC); Nguyen, Quang D (PSC); Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Philip Hayet; Lane Kollen; Cook, Larry (KYOAG); Howard, Dennis (KYOAG); Jody Kyler  
**Cc:** Kristin Henry; Shannon Fisk; Joe Childers; James.giampietro@sierraclub.org  
**Subject:** Sierra Club's Data Request to KIUC, Docket # 2012-00063  
**Attachments:** Big Rivers - CPCN - Discovery - SC 1st Set to KIUC.pdf; [Case No. 2012-00063] Big Rivers - CPCN - Discovery - SC 1st Set to KIUC.docx

Hello,

In the Matter of docket No. 2012-00063, attached to this email you will find Ben Taylor and Sierra Club's request for information to Kentucky Industrial Utility Customers. I have included both a .PDF and .DOC version of the document. Paper copies will be delivered to the Commission and has been mailed to those on the Certificate of Service via USPS on July 30th, 2012. If you have any further question or are having trouble viewing the attached documents please contact me asap.

Warm Regards,  
Ruben Mojica

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Ruben Mojica - Program Assistant  
Sierra Club | Conservation Department | Environmental Law Program  
85 2nd Street, Second Floor  
San Francisco, CA 94105  
Work: [\(415\) 977-5737](tel:4159775737) | Fax: [\(415\) 977-5793](tel:4159775793)

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000639

**Michael Kurtz**

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**From:** Nguyen, Quang D (PSC) [QuangD.Nguyen@ky.gov]  
**Sent:** Monday, July 30, 2012 5:40 PM  
**To:** Kurt Boehm; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com; Michael Kurtz; James, Matt (KYOAG); Hans, Jennifer (KYOAG); Cook, Larry (KYOAG); Howard, Dennis (KYOAG); Jody Kyle; kristin.henry@sierraclub.org; sfisk@earthjustice.org; childerslaw81@gmail.com  
**Subject:** 2012-00063 Big Rivers ECP  
**Attachments:** 2012-00063 KIUC DR.doc; 2012-00063 Sierra Club DR.doc

Counsel -

Attached are Staff's Data Requests to KIUC and Sierra Club in MS-Word format.

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