

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

BIG RIVERS ELECTRIC CORPORATION FILING) CASE NO.
OF WHOLESale CONTRACTS PURSUANT TO) 2014-00134
KRS 278.180 and KAR 5:011 § 13)

ATTORNEY GENERAL'S RESPONSE AND OBJECTION TO
DATA REQUEST OF BIG RIVERS

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and submits the following Response and Objection to the data request of Big Rivers Electric Corp. ["Big Rivers"].

The Office of the Attorney General ["OAG"] objects to providing a response to Big Rivers' data request, as the OAG has not sponsored a witness to provide testimony in this matter. Any response by the OAG's counsel requires testimony. Kentucky Rule of Professional Conduct 3.7 prohibits attorneys from providing testimony. Further, any response would subject counsel for OAG to cross-examination, which would or could also require disclosure of information which is or may be subject to the attorney-client privilege.

Without waiving this objection, the Attorney General notes that BREC's data request re-states only an edited portion of one sentence from which the quote was taken, at pp. 3-4 of the Attorney General's Comments in Lieu of Testimony. The Attorney General's Comments in Lieu of Testimony, when seen in their entirety speak for themselves.

Since Big Rivers is the author of the Mitigation Plan, the OAG assumes it is in possession of that document, which is the subject of the Commission's ongoing jurisdiction. Finally, the OAG believes Big Rivers is seeking a response from the OAG which the company's own witnesses are fully capable of making through rebuttal testimony, hearing testimony, any comments it may wish to file, any post-hearing brief it may wish to file, or any combination of such opportunities to be heard.

Respectfully submitted,
JACK CONWAY
ATTORNEY GENERAL



JENNIFER BLACK HANS
LAWRENCE W. COOK
ASSISTANT ATTORNEYS GENERAL
1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601-8204
(502) 696-5453
FAX: (502) 573-8315
Jennifer.Hans@ag.ky.gov
Larry.Cook@ag.ky.gov

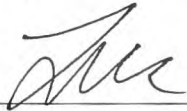
Certificate of Service and Filing

Counsel certifies that an original and ten photocopies of the foregoing were served and filed by hand delivery to Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; counsel further states that true and accurate copies of the foregoing were mailed via First Class U.S. Mail, postage pre-paid, to:

Hon. James M Miller
Sullivan, Mountjoy, Stainback & Miller,
PSC
P.O. Box 727
Owensboro, KY 42302-0727

Hon. Michael L. Kurtz
Boehm, Kurtz & Lowry
36 E. 7th St.
Ste. 1510
Cincinnati, Ohio 45202

this 24th day of September, 2013



Assistant Attorney General