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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

MAR 17 2008

PUBLIC SERVICE
COMMISSION

In The Matter Of: The Application of Big Rivers Electric :
Corporation, E.ON US., LLC, Western Kentucky Energy : Case No. 2007-00455
Corp., and LG&E Energy Marketing Inc., For Approval to :
Unwind Lease and Power Purchase Transactions :

RESPONSE OF
ALCAN PRIMARY PRODUCTS CORPORATION AND
CENTURY ALUMINUM OF KENTUCKY GENERAL PARTNERSHIP
IN SUPPORT OF E.ON'S OPPOSITION TO MOTION TO COMPEL

On January 4, 2008, Henderson Municipal Power and Light ("HMP&L") moved to intervene in this case. HMP&L is not a customer of Big Rivers Electric Corporation ("Big Rivers") or any of the three distribution cooperatives that own Big Rivers. Because it has no interest in the rates charged by Big Rivers, in order to support its intervention HMP&L defined its interest in this case as follows: "*The pending Transaction Termination Agreement among Big Rivers and the E.ON parties involves the HMP&L power plant and will have a direct impact on the continued operation of the power plant and the ability of HMP&L to provide service to its customers.*"¹

On March 4, 2008, HMP&L filed a motion asking the Commission to compel the E.ON Entities to provide to it the confidential and proprietary response to Data Request No. 83 of the Attorney General's initial set. Data Request No. 83 consists of the text of the letter agreement providing for certain payments to be made by the E.ON Entities to Alcan Primary Products Corporation and Century Aluminum of Kentucky ("Smelters"). The E.ON Entities have objected to providing Data Request No. 83 to HMP&L on many grounds. The Smelters support E.ON.

Pursuant to 807 KAR 5:011, Section 7(5)(b), HMP&L is entitled to the confidential and proprietary information contained in Data Request 83 if "*it is essential to a meaningful participation in the proceeding.*" HMP&L cannot meet this standard. Nor has HMP&L even attempted to address this requirement.

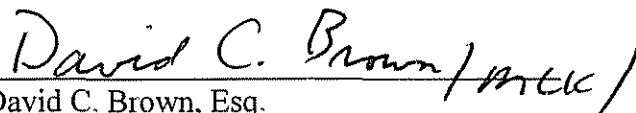
¹ HMP&L Motion to Intervene at p. 1.

HMP&L is not a ratepayer. Its stated interest in this case concerns "the continued operation of the [HMP&L] power plant and the ability of HMP&L to provide service to its customers." The payment of certain amounts by E.ON to the Smelters cannot affect HMP&L's legitimate interests. Such payment will not impact how HMP&L's power plant will be operated or maintained if the Unwind is approved. Nor will such payment affect HMP&L's ability to provide service to its customers. These matters are completely unrelated to the private party transaction between E.ON and the Smelters. HMP&L will be able to meaningfully participate in this proceeding to protect its stated interests even if it does not know the exact amount to be paid the Smelters by E.ON. Therefore, HMP&L has no entitlement to the protected information simply because it is an intervenor.

As the Commission is aware, HMP&L has outstanding unresolved contractual issues with Big Rivers and E.ON. It is possible that HMP&L's real motive is to gain information which it hopes will improve its bargaining position with respect to those unresolved issues. If true, then such motivation would not constitute a legitimate basis for granting HMP&L's motion.

WHEREFORE, for the reasons set forth above, the Smelters support the position of E.ON and oppose HMP&L's Motion to Compel.

Respectfully submitted,



David C. Brown, Esq.

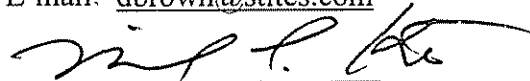
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March 14, 2008