

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 07 2012

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)
CORPORATION FOR AN APPROVAL OF ITS)
2012 ENVIRONMENTAL COMPLIANCE PLAN,)
FOR APPROVAL OF ITS AMENDED) CASE NO.
ENVIRONMENTAL COST RECOVERY) 2012-00063
SURCHARGE TARIFF, FOR CERTIFICATES OF)
PUBLIC CONVENIENCE AND NECESSITY, AND)
FOR AUTHORITY TO ESTABLISH A)
REGULATORY ACCOUNT)

KIUC'S RESPONSES TO
BIG RIVERS ELECTRIC CORPORATION'S
FIRST REQUEST FOR INFORMATION

ATTACHMENTS TO
QUESTIONS 24-27

Michael Kurtz

From: Cook, Larry (KYOAG) [larry.cook@ag.ky.gov]
Sent: Tuesday, February 28, 2012 1:19 PM
To: Michael Kurtz
Subject: BREC Files NOI for ECR case

Mike, FYI . . .

http://psc.ky.gov/PSCSCF/2012%20cases/2012-00063/20120228_Big%20Rivers_Notice%20of%20Intent.pdf

Lawrence W. Cook
Assistant Attorney General
Office of Rate Intervention
1024 Capital Center Dr.
Ste. 200
Frankfort, KY 40601
(502) 696-5300
Fax: (502) 573-8315

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000001

Michael Kurtz

From: Michael Kurtz
Sent: Tuesday, February 28, 2012 3:51 PM
To: 'Cook, Larry (KYOAG)'
Subject: RE: BREC Files NOI for ECR case

Thank you Larry.

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

From: Cook, Larry (KYOAG) [<mailto:larry.cook@ag.ky.gov>]
Sent: Tuesday, February 28, 2012 1:19 PM
To: Michael Kurtz
Subject: BREC Files NOI for ECR case

Mike, FYI . . .

[http://psc.ky.gov/PSCSCF/2012%20cases/2012-00063/20120228 Big%20Rivers Notice%20of%20Intent.pdf](http://psc.ky.gov/PSCSCF/2012%20cases/2012-00063/20120228%20Big%20Rivers%20Notice%20of%20Intent.pdf)

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000002

Michael Kurtz

From: Michael Kurtz
Sent: Wednesday, April 11, 2012 4:29 PM
To: 'Jim Miller'; Raff, Richard (PSC)
Cc: Kurt Boehm; 'dbrown@stites.com'
Subject: KIUC's 1st Set of Data Requests to Big Rivers Electric Corporation, Docket No. 2012-00119
Attachments: KIUC 1st Set Data Requests to Big Rivers.pdf; 1st Set of Data Requests to BREC - FINAL.docx; KIUC Petition to Intervene -Docket #2012-0019.pdf; KIUC Petition to Intervene - Docket #2012-00063.pdf

Counsel, attached please find the FIRST SET OF DATA REQUESTS TO BIG RIVERS ELECTRIC CORPORATION in .Word and .Pdf format filed in the above-referenced matter.

I also attach KIUC's PETITIONS TO INTERVENE filed in Docket No. 2012-00119 and 2012-00063. Hard copies will follow by regular, U.S. mail.

Please advise if you have any problems opening.

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

000003

Michael Kurtz

From: Michael Kurtz
Sent: Friday, April 20, 2012 9:50 AM
To: 'DeRouen, Jeff (PSC)'; Hans, Jennifer (KYOAG); 'Jim Miller'; Nguyen, Quang D (PSC)
Cc: 'dbrown@stites.com'; Kurt Boehm
Subject: KIUC Motion to Dismiss, Case No. 2012-00063
Attachments: KIUC Motion to Dismiss - Docket #2012-00063.pdf

Counsel, attached please find the MOTION TO DISMISS OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. filed in the above-referenced case. Hard copies will follow by regular, U.S. Mail. Please advise if you have any problems opening.

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

000004

Michael Kurtz

From: Howard, Dennis (KYOAG) [dennis.howard@ag.ky.gov]
Sent: Tuesday, April 24, 2012 8:20 PM
To: Jim Miller; Michael Kurtz
Cc: Hans, Jennifer (KYOAG); Cook, Larry (KYOAG)
Subject: AG Motion to Dismiss/ BREC/Case No. 2012-00063

Counselors

This afternoon the OAG filed a motion to dismiss the above case. In my rush to get it filed I neglected to scan a copy so I am unable to forward one to you. It should be posted tomorrow but out of professional courtesy I thought it incumbent that I advise you of the filing.

Dennis Howard, II
Assistant Executive Director
Office of Rate Intervention
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
502.696.5453
dennis.howard@ag.ky.gov

000005

Michael Kurtz

From: Tyson Kamuf [tkamuf@smsmlaw.com]
Sent: Wednesday, May 02, 2012 11:32 AM
To: Kurt Boehm
Cc: Jim Miller; Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); jennifer.hans@ag.ky.gov; Cook, Larry (KYOAG)
Subject: FW: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063
Attachments: confidentiality agreement.docx

Kurt:

The information referenced in the response was filed under a petition for confidential treatment. If you sign the attached confidentiality agreement and return it to me, I will overnight the confidential information to you. Will do the same for the AG.

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

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From: Kurt Boehm [<mailto:KBoehm@bkllawfirm.com>]
Sent: Wednesday, May 02, 2012 10:06 AM
To: Jim Miller
Cc: Michael Kurtz
Subject: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Jim, we have not received the information that was referenced in your response to our Motion to Dismiss. Will you please send it via overnight mail.

Thanks,
Kurt

Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 E. Seventh St., Suite 1510
Cincinnati, Ohio 45202
Ph: 513.421.2255 Fax: 513.421.2764
kboehm@BKLLawfirm.com

000006

Michael Kurtz

From: Michael Kurtz
Sent: Wednesday, May 02, 2012 2:08 PM
To: 'Howard, Dennis (KYOAG)'; Jim Miller; Hans, Jennifer (KYOAG); Cook, Larry (KYOAG);
Nguyen, Quang D (PSC); 'DeRouen, Jeff (PSC)'
Cc: Kurt Boehm; 'dbrown@stites.com'
Subject: KIUC Reply to Big Rivers Response to KIUC's Motion to Dismiss, Case No. 2012-00063
Attachments: KIUC Reply to BREC Response to Motion to Dismiss - Docket #2012-00063.pdf

Counsel, attached please find KENTUCKY INDUSTRIAL UTILITY CUSTOMERS' REPLY TO BIG RIVERS ELECTRIC CORPORATION'S RESPONSE TO MOTION TO DISMISS filed in the above-referenced case. 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

000007

Michael Kurtz

From: Hans, Jennifer (KYOAG) [jennifer.hans@ag.ky.gov]
Sent: Wednesday, May 02, 2012 2:33 PM
To: Tyson Kamuf; Jim Miller
Cc: Kurt Boehm; Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); Cook, Larry (KYOAG)
Subject: RE: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063
Attachments: confidentiality agreement_KPSC Case No 2012-00063_oag proposed chgs.doc

Jim & Tyson:

Regarding Big Rivers' ECR Application, the AG's office is prepared to enter into the confidentiality agreement, but we would ask for one small change permitting us the option to professionally shred and certify the same back to you. The language we propose is outlined/redlined in the attached draft. If it meets with your approval, we are happy to adopt the change, sign and return.

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

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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.

From: Tyson Kamuf [<mailto:tkamuf@smsmlaw.com>]
Sent: Wednesday, May 02, 2012 11:32 AM
To: kboehm@bkllawfirm.com
Cc: Jim Miller; Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); Hans, Jennifer (KYOAG); Cook, Larry (KYOAG)
Subject: FW: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Kurt:

The information referenced in the response was filed under a petition for confidential treatment. If you sign the attached confidentiality agreement and return it to me, I will overnight the confidential information to you. Will do the same for the AG.

Tyson Kamuf
Sullivan, Mountjoy, Stainback & Miller, P.S.C.
100 St. Ann Street, P.O. Box 727

000003

Owensboro, Kentucky 42302-0727
tkamuf@smsmlaw.com
(270) 926-4000
(270) 683-6694 fax

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From: Kurt Boehm [<mailto:KBoehm@bklawfirm.com>]
Sent: Wednesday, May 02, 2012 10:06 AM
To: Jim Miller
Cc: Michael Kurtz
Subject: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Jim, we have not received the information that was referenced in your response to our Motion to Dismiss. Will you please send it via overnight mail.

Thanks,
Kurt

Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 E. Seventh St., Suite 1510
Cincinnati, Ohio 45202
Ph: 513.421.2255 Fax: 513.421.2764
kboehm@BKLawfirm.com

000009

Michael Kurtz

From: Tyson Kamuf [tkamuf@smsmlaw.com]
Sent: Wednesday, May 02, 2012 5:21 PM
To: Hans, Jennifer (KYOAG); Jim Miller
Cc: Kurt Boehm; Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); Cook, Larry (KYOAG)
Subject: RE: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Jennifer:
Your proposed change is acceptable.

Tyson Kamuf
Sullivan, Mountjoy, Stainback & Miller, P.S.C.
100 St. Ann Street, P.O. Box 727
Owensboro, Kentucky 42302-0727
tkamuf@smsmlaw.com
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From: Hans, Jennifer (KYOAG) [<mailto:jennifer.hans@ag.ky.gov>]
Sent: Wednesday, May 02, 2012 1:33 PM
To: Tyson Kamuf; Jim Miller
Cc: [KBoehm@bklawfirm.com](mailto:kboehm@bklawfirm.com); Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); Cook, Larry (KYOAG)
Subject: RE: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Jim & Tyson:

Regarding Big Rivers' ECR Application, the AG's office is prepared to enter into the confidentiality agreement, but we would ask for one small change permitting us the option to professionally shred and certify the same back to you. The language we propose is outlined/redlined in the attached draft. If it meets with your approval, we are happy to adopt the change, sign and return.

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

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From: Tyson Kamuf [<mailto:tkamuf@smsmlaw.com>]

Sent: Wednesday, May 02, 2012 11:32 AM

To: KBoehm@bkllawfirm.com

Cc: Jim Miller; Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); Hans, Jennifer (KYOAG); Cook, Larry (KYOAG)

Subject: FW: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Kurt:

The information referenced in the response was filed under a petition for confidential treatment. If you sign the attached confidentiality agreement and return it to me, I will overnight the confidential information to you. Will do the same for the AG.

Tyson Kamuf
Sullivan, Mountjoy, Stainback & Miller, P.S.C.
100 St. Ann Street, P.O. Box 727
Owensboro, Kentucky 42302-0727
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From: Kurt Boehm [<mailto:KBoehm@bkllawfirm.com>]

Sent: Wednesday, May 02, 2012 10:06 AM

To: Jim Miller

Cc: Michael Kurtz

Subject: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Jim, we have not received the information that was referenced in your response to our Motion to Dismiss. Will you please send it via overnight mail.

Thanks,
Kurt

Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 E. Seventh St., Suite 1510
Cincinnati, Ohio 45202

000011

Michael Kurtz

From: Hans, Jennifer (KYOAG) [jennifer.hans@ag.ky.gov]
Sent: Thursday, May 03, 2012 3:49 PM
To: Tyson Kamuf; Jim Miller
Cc: Kurt Boehm; Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); Cook, Larry (KYOAG)
Subject: RE: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063
Attachments: brec conf agmt 050312.pdf

Dear Jim and Tyson:

Please find attached our signed confidentiality agreement with the changes we discussed. If you require the original document, please advise. We look forward to the countersigned version and a copy of the material subject to confidential treatment.

Sincerely,

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)
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From: Tyson Kamuf [mailto:tkamuf@smsmlaw.com]
Sent: Wednesday, May 02, 2012 5:21 PM
To: Hans, Jennifer (KYOAG); Jim Miller
Cc: KBoehm@bkllawfirm.com; Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); Cook, Larry (KYOAG)
Subject: RE: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Jennifer:
Your proposed change is acceptable.

Tyson Kamuf
Sullivan, Mountjoy, Stainback & Miller, P.S.C.
100 St. Ann Street, P.O. Box 727
Owensboro, Kentucky 42302-0727
tkamuf@smsmlaw.com

(270) 926-4000
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Cc: KBoehm@bklawfirm.com; Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); Cook, Larry (KYOAG)
Subject: RE: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

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Jennifer Black Hans

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From: Tyson Kamuf [<mailto:tkamuf@smsmlaw.com>]
Sent: Wednesday, May 02, 2012 11:32 AM
To: KBoehm@bklawfirm.com
Cc: Jim Miller; Michael Kurtz; Brown, David; Howard, Dennis (KYOAG); Hans, Jennifer (KYOAG); Cook, Larry (KYOAG)
Subject: FW: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Kurt:

The information referenced in the response was filed under a petition for confidential treatment. If you sign the attached confidentiality agreement and return it to me, I will overnight the confidential information to you. Will do the same for the AG.

000013

Tyson Kamuf
Sullivan, Mountjoy, Stainback & Miller, P.S.C.
100 St. Ann Street, P.O. Box 727
Owensboro, Kentucky 42302-0727
tkamuf@smsmlaw.com
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From: Kurt Boehm [<mailto:KBoehm@bklawfirm.com>]
Sent: Wednesday, May 02, 2012 10:06 AM
To: Jim Miller
Cc: Michael Kurtz
Subject: Attachment to BREC Response to KIUC Motion to Dismiss, Docket No. 2012-00063

Jim, we have not received the information that was referenced in your response to our Motion to Dismiss. Will you please send it via overnight mail.

Thanks,
Kurt

Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 E. Seventh St., Suite 1510
Cincinnati, Ohio 45202
Ph: 513.421.2255 Fax: 513.421.2764
kboehm@BKLawfirm.com

000014

Michael Kurtz

From: Michael Kurtz
Sent: Friday, May 11, 2012 2:33 PM
To: Jim Miller
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); 'Burns, Faith (PSC)'; Kurt Boehm
Subject: KIUC correspondence to BREC, Docket No. 2012-00063
Attachments: Ltr to Jim Miller, Esq., 05112012.pdf

Please see attached letter regarding the above-referenced docket. Please advise if you have any problems opening.

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

000015

Michael Kurtz

From: Michael Kurtz
Sent: Tuesday, May 15, 2012 4:18 PM
To: 'James Giampietro'
Subject: FW: KIUC correspondence to BREC, Docket No. 2012-00063
Attachments: Ltr to Jim Miller, Esq., 05112012.pdf

From: Michael Kurtz
Sent: Friday, May 11, 2012 2:33 PM
To: Jim Miller
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); 'Burns, Faith (PSC)'; Kurt Boehm
Subject: KIUC correspondence to BREC, Docket No. 2012-00063

Please see attached letter regarding the above-referenced docket. Please advise if you have any problems opening.

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

000016

Michael Kurtz

From: Jim Miller [jmiller@smsmlaw.com]
Sent: Thursday, May 17, 2012 10:20 AM
To: Nguyen, Quang D (PSC); Howard, Dennis (KYOAG); Hans, Jennifer (KYOAG); Michael Kurtz; Brown, David; joe@childerslaw.com
Cc: Tyson Kamuf
Subject: Big Rivers' EC Case No. 2012-00063

Counsel:

I would appreciate it if when you serve your data requests in this matter you would also e-mail me the Word file of the data requests so we can avoid the task of retyping the questions. Thanks in advance for your consideration.

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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000017

Michael Kurtz

From: Howard, Dennis (KYOAG) [dennis.howard@ag.ky.gov]
Sent: Thursday, May 17, 2012 10:26 AM
To: Jim Miller; Nguyen, Quang D (PSC); Hans, Jennifer (KYOAG); Michael Kurtz; Brown, David; joe@childerslaw.com
Cc: Tyson Kamuf
Subject: RE: Big Rivers' EC Case No. 2012-00063

As always the AG will help accommodate the parties.

Dennis Howard, II
Assistant Executive Director
Office of Rate Intervention
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
502.696.5453
dennis.howard@ag.ky.gov

From: Jim Miller [<mailto:jmiller@smsmlaw.com>]
Sent: Thursday, May 17, 2012 10:20 AM
To: Nguyen, Quang D (PSC); Howard, Dennis (KYOAG); Hans, Jennifer (KYOAG); Michael Kurtz; Brown, David; joe@childerslaw.com
Cc: Tyson Kamuf
Subject: Big Rivers' EC Case No. 2012-00063

Counsel:

I would appreciate it if when you serve your data requests in this matter you would also e-mail me the Word file of the data requests so we can avoid the task of retyping the questions. Thanks in advance for your consideration.

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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Michael Kurtz

From: Jim Miller [jmiller@smsmlaw.com]
Sent: Thursday, May 17, 2012 11:01 AM
To: Howard, Dennis (KYOAG); Nguyen, Quang D (PSC); Hans, Jennifer (KYOAG); Michael Kurtz; Brown, David; joe@childerslaw.com
Cc: Tyson Kamuf
Subject: RE: Big Rivers' EC Case No. 2012-00063

Thanks, Dennis.

Jim

James M. Miller
Sullivan, Mountjoy, Stainback & Miller, P.S.C.
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From: Howard, Dennis (KYOAG) [mailto:dennis.howard@ag.ky.gov]
Sent: Thursday, May 17, 2012 9:26 AM
To: Jim Miller; Nguyen, Quang D (PSC); Hans, Jennifer (KYOAG); Michael Kurtz; Brown, David; joe@childerslaw.com
Cc: Tyson Kamuf
Subject: RE: Big Rivers' EC Case No. 2012-00063

As always the AG will help accommodate the parties.

Dennis Howard, II
Assistant Executive Director
Office of Rate Intervention
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
502.696.5453
dennis.howard@ag.ky.gov

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Thursday, May 17, 2012 10:20 AM
To: Nguyen, Quang D (PSC); Howard, Dennis (KYOAG); Hans, Jennifer (KYOAG); Michael Kurtz; Brown, David; joe@childerslaw.com
Cc: Tyson Kamuf
Subject: Big Rivers' EC Case No. 2012-00063

Counsel:

000019

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000020

Michael Kurtz

From: Michael Kurtz
Sent: Thursday, May 17, 2012 11:11 AM
To: Howard, Dennis (KYOAG)
Cc: Jim Miller; Nguyen, Quang D (PSC); Hans, Jennifer (KYOAG); Brown, David; joe@childerslaw.com; Tyson Kamuf; Kurt Boehm; Kim Walton
Subject: Re: Big Rivers' EC Case No. 2012-00063

Jim. Will do.

Sent from my iPad

On May 17, 2012, at 10:22 AM, "Howard, Dennis (KYOAG)" <dennis.howard@ag.ky.gov> wrote:

As always the AG will help accommodate the parties.

Dennis Howard, II
Assistant Executive Director
Office of Rate Intervention
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
502.696.5453
dennis.howard@ag.ky.gov

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Sent: Thursday, May 17, 2012 10:20 AM
To: Nguyen, Quang D (PSC); Howard, Dennis (KYOAG); Hans, Jennifer (KYOAG); Michael Kurtz; Brown, David; joe@childerslaw.com
Cc: Tyson Kamuf
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000022

Michael Kurtz

From: Michael Kurtz
Sent: Friday, May 18, 2012 2:58 PM
To: 'Jim Miller'
Cc: 'dbrown@stites.com'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; 'kristin.henry@sierraclub.org'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; 'Tyson Kamuf'
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063
Attachments: Ltr to Jim Miller Esq 05112012 (2).pdf

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Your assistance is appreciated.

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

From: Michael Kurtz
Sent: Friday, May 11, 2012 2:33 PM
To: Jim Miller
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); 'Burns, Faith (PSC)'; Kurt Boehm
Subject: KIUC correspondence to BREC, Docket No. 2012-00063

Please see attached letter regarding the above-referenced docket. Please advise if you have any problems opening.

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

Michael Kurtz

From: Jim Miller [jmillier@smsmlaw.com]
Sent: Friday, May 18, 2012 4:34 PM
To: Michael Kurtz
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf
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Response from Pace Global

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James M. Miller
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From: Michael Kurtz [mailto:MKurtz@bkllawfirm.com]
Sent: Friday, May 18, 2012 1:58 PM
To: Jim Miller
Cc: 'dbrown@stites.com'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; 'kristin.henry@sierraclub.org'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; Tyson Kamuf
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

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Your assistance is appreciated.

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

From: Michael Kurtz
Sent: Friday, May 11, 2012 2:33 PM
To: Jim Miller
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); 'Burns, Faith (PSC)'; Kurt Boehm
Subject: KIUC correspondence to BREC, Docket No. 2012-00063

Please see attached letter regarding the above-referenced docket. Please advise if you have any problems opening.

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

000026

Michael Kurtz

From: Michael Kurtz
Sent: Friday, May 18, 2012 4:52 PM
To: 'Jim Miller'
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Jim.

Thank you for the thorough response. I will review it with David Brown and our consultants Monday. If we have any additional questions we will get back with you.

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

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Friday, May 18, 2012 4:34 PM
To: Michael Kurtz
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf
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From: Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]

Sent: Friday, May 18, 2012 1:58 PM

To: Jim Miller

Cc: 'dbrown@stites.com'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; 'kristin.henry@sierraclub.org'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; Tyson Kamuf

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Ph: 513.421.2255 Fax: 513.421.2764
E-mail: mkurtz@BKLawfirm.com

From: Michael Kurtz
Sent: Friday, May 11, 2012 2:33 PM
To: Jim Miller
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); 'Burns, Faith (PSC)'; Kurt Boehm
Subject: KIUC correspondence to BREC, Docket No. 2012-00063

Please see attached letter regarding the above-referenced docket. Please advise if you have any problems opening.

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

000029

Michael Kurtz

From: Michael Kurtz
Sent: Monday, May 21, 2012 9:46 AM
To: 'Jim Miller'
Cc: dbrown@stites.com; Kurt Boehm; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; kristin.henry@sierraclub.org; Tyson Kamuf; Nguyen, Quang D (PSC); Burns, Faith (PSC)
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Counsel.

This email was sent this morning and I wanted to make sure all parties were copied.

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

From: Philip Hayet [mailto:philhayet@concentric.net]
Sent: Monday, May 21, 2012 9:30 AM
To: jmiller@smsmlaw.com
Cc: dbrown@stites.com; Kurt Boehm; Michael Kurtz; 'Russell Klepper'; 'Lane Kollen'
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Jim,

I am Phil Hayet, with Hayet Power Systems Consulting working on behalf of the KIUC concerning the Big River's environmental case. Mike Kurtz forwarded your email to me to follow up on the items you discussed.

I have contacted and left a voice mail message for Julie Albright at Ventyx concerning license arrangements for the Planning and Risk model. Also, we would like to obtain a contact at APM to obtain the input and output data in order to be able to run the Planning and Risk model and in order to be able to reproduce the exact results that APM developed.

In addition, I have contacted and left a voice mail message for Christian Whitaker at PACE Global in order to obtain more information regarding the use of the Aurora model and the proprietary modifications that have been made to enhance and improve Aurora's capabilities.

I assume that both Julie and Christian have been briefed and will be able to discuss these models used for these studies. As mentioned above, we would appreciate it if you could also provide a contact at APM.

Thank you,

Phil Hayet
Hayet Power Systems Consulting

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Friday, May 18, 2012 4:34 PM
To: Michael Kurtz
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith

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000011

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

000002

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

MKurtz@BKLawfirm.com

000033

Michael Kurtz

From: James Giampietro [james.giampietro@sierraclub.org]
Sent: Monday, May 21, 2012 1:16 PM
To: Hans, Jennifer (KYOAG); Michael Kurtz; Kurt Boehm; DeRouen, Jeff (PSC); Quang D. Nguyen; Faith B. Burns; Richard G. Raff; jmiller@smsmlaw.com; tkamuf@smsmlaw.com; dbrown@stites.com
Cc: Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica
Subject: 2012-00063 Sierra Club First Data Request to Big Rivers
Attachments: 2012-00063 Sierra Club 1st Data Rqst. to Big Rivers 2012-05-21.docx; 2012-00063 Sierra Club 1st Data Rqst. to Big Rivers 2012-05-21.pdf

Attached please find Sierra Club's First Data Request to Big Rivers. Hard copies will be filed with 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

000034

Michael Kurtz

From: Nguyen, Quang D (PSC) [QuangD.Nguyen@ky.gov]
Sent: Monday, May 21, 2012 3:34 PM
To: Jim Miller
Cc: Tyson Kamuf; Howard, Dennis (KYOAG); Hans, Jennifer (KYOAG); Michael Kurtz; joe@childerslaw.com; Brown, David; kristin.henry@sierraclub.org
Subject: RE: Big Rivers' EC Case No. 2012-00063
Attachments: 2012-00063 - Staff's First DR - Final.doc

Jim –

Please find attached Staff's First Data Requests to Big Rivers in Word format.

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Thursday, May 17, 2012 10:20 AM
To: Nguyen, Quang D (PSC); Howard, Dennis (KYOAG); Hans, Jennifer (KYOAG); Michael Kurtz; Brown, David; joe@childerslaw.com
Cc: Tyson Kamuf
Subject: Big Rivers' EC Case No. 2012-00063

Counsel:

I would appreciate it if when you serve your data requests in this matter you would also e-mail me the Word file of the data requests so we can avoid the task of retyping the questions. Thanks in advance for your consideration.

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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000035

Michael Kurtz

From: Michael Kurtz
Sent: Monday, May 21, 2012 4:07 PM
To: jmiller@smsmlaw.com; DeRouen, Jeff (PSC); 'James Giampietro'; Hans, Jennifer (KYOAG); Quang D. Nguyen; Faith B. Burns; Richard G. Raff; tkamuf@smsmlaw.com; Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica
Cc: dbrown@stites.com; Kurt Boehm
Subject: KIUC's 1st Set of Data Requests to BREC, Docket No. 2012-00063
Attachments: 1st Set of Data Request to BREC.pdf; 1st Set of Data Requests.docx

Counsel, attached please find the KENTUCKY INDUSTRIAL UTILITY CUSTOMERS INC's FIRST 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

000036

Michael Kurtz

From: Hans, Jennifer (KYOAG) [jennifer.hans@ag.ky.gov]
Sent: Wednesday, May 23, 2012 1:43 PM
To: Michael Kurtz; jmiller@smsmlaw.com; DeRouen, Jeff (PSC); James Giampietro; Nguyen, Quang D (PSC); Burns, Faith (PSC); Raff, Richard (PSC); tkamuf@smsmlaw.com; Kristin Henry; Shannon Fisk; Joe Childers; Ruben Mojica
Cc: dbrown@stites.com; Kurt Boehm; Cook, Larry (KYOAG); James, Matt (KYOAG)
Subject: Big Rivers KPSC Case No. 2012-00063

Counsel:

For future reference, please include Assistant Attorneys General Larry Cook and Matt James on your email distribution/service lists regarding this matter.

Larry.Cook@ag.ky.gov
Matt.James@ag.ky.gov

Thank you.

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

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This message is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify this office by telephone and return this message to the Office of the Attorney General immediately. Thank you.

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.

000037

Michael Kurtz

From: Jim Miller [jmiller@smsmlaw.com]
Sent: Wednesday, May 23, 2012 2:16 PM
To: Philip Hayet
Cc: dbrown@stites.com; Kurt Boehm; Michael Kurtz; Russell Klepper; Lane Kollen; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; kristin.henry@sierraclub.org; Tyson Kamuf; Nguyen, Quang D (PSC); Burns, Faith (PSC); Tyson Kamuf
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Phil,

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From: Philip Hayet [mailto:philhaye@concentric.net]
Sent: Monday, May 21, 2012 8:30 AM
To: Jim Miller
Cc: dbrown@stites.com; 'Kurt Boehm'; 'Michael Kurtz'; 'Russell Klepper'; 'Lane Kollen'
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

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000003

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Thank you,

Phil Hayet
Hayet Power Systems Consulting

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

Sent: Friday, May 18, 2012 4:34 PM

To: Michael Kurtz

Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf

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Pace Global can provide documentation and instructions on the use of its proprietary modifications to the Aurora model should third parties wish to license it. The Aurora model contains integrated instructions documentation for licensed users and can be obtained directly from the Licensor, EPIS. The contact at PACE Global is Christian Whitaker, Christian.Whitaker@PaceGlobal.com, (703) 227-1036.

Response from Sargent & Lundy

000039

Sargent & Lundy tells us that their model is an Excel spreadsheet that can be provided without licensing.

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Jim

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From: Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]
Sent: Friday, May 18, 2012 1:58 PM
To: Jim Miller
Cc: 'dbrown@stites.com'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; 'kristin.henry@sierraclub.org'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; Tyson Kamuf
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Your assistance is appreciated.

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

000010

From: Michael Kurtz

Sent: Friday, May 11, 2012 2:33 PM

To: Jim Miller

Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); 'Burns, Faith (PSC)'; Kurt Boehm

Subject: KIUC correspondence to BREC, Docket No. 2012-00063

Please see attached letter regarding the above-referenced docket. Please advise if you have any problems opening.

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

0000 11

Michael Kurtz

From: Michael Kurtz
Sent: Wednesday, May 23, 2012 3:01 PM
To: 'Jim Miller'; Philip Hayet
Cc: dbrown@stites.com; Kurt Boehm; Russell Klepper; Lane Kollen; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; kristin.henry@sierraclub.org; Tyson Kamuf; Nguyen, Quang D (PSC); Burns, Faith (PSC); Tyson Kamuf
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Jim.

Yes, we will proceed in the manner you suggest.

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

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Wednesday, May 23, 2012 2:16 PM
To: Philip Hayet
Cc: dbrown@stites.com; Kurt Boehm; Michael Kurtz; Russell Klepper; Lane Kollen; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; kristin.henry@sierraclub.org; Tyson Kamuf; Nguyen, Quang D (PSC); Burns, Faith (PSC); Tyson Kamuf
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From: Philip Hayet [<mailto:philhayet@concentric.net>]
Sent: Monday, May 21, 2012 8:30 AM
To: Jim Miller
Cc: dbrown@stites.com; 'Kurt Boehm'; 'Michael Kurtz'; 'Russell Klepper'; 'Lane Kollen'
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

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Phil Hayet
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000043

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Sent: Friday, May 18, 2012 1:58 PM

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Cc: 'dbrown@stites.com'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; 'kristin.henry@sierraclub.org'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; Tyson Kamuf

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Cincinnati, Ohio 45202
Ph: 513.421.2255 Fax: 513.421.2764
MKurtz@BKLawfirm.com

000015

Michael Kurtz

From: Philip Hayet [philhayet@concentric.net]
Sent: Wednesday, May 23, 2012 3:06 PM
To: 'Jim Miller'
Cc: dbrown@stites.com; Kurt Boehm; Michael Kurtz; 'Russell Klepper'; 'Lane Kollen'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; kristin.henry@sierraclub.org; 'Tyson Kamuf'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; 'Tyson Kamuf'
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Thanks Jim, and absolutely all requests will go through counsel for KIUC.

Phil

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000047

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Sent: Friday, May 18, 2012 1:58 PM
To: Jim Miller
Cc: 'dbrown@stites.com'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com)'; 'kristin.henry@sierraclub.org'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; Tyson Kamuf
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E-mail: mkurtz@BKLawfirm.com

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000049

Michael Kurtz

From: Michael Kurtz
Sent: Thursday, May 24, 2012 11:33 AM
To: 'Jim Miller'
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet
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Sent: Friday, May 18, 2012 4:34 PM

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000013

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Sent: Thursday, May 24, 2012 4:12 PM
To: Michael Kurtz
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000016

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Telephone (270) 926-4000
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Sent: Friday, May 18, 2012 1:58 PM

To: Jim Miller

Cc: 'dbrown@stites.com'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com<<mailto:childerslaw@yahoo.com>>); 'kristin.henry@sierraclub.org'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; Tyson Kamuf

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Ph: 513.421.2255 Fax: 513.421.2764
E-mail: mkurtz@BKLLawfirm.com<<mailto:mkurtz@BKLLawfirm.com>>

From: Michael Kurtz

0000179

Sent: Friday, May 11, 2012 2:33 PM

To: Jim Miller

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Michael Kurtz

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000001

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I just picked up your message. We will discuss this and I will get back to you as quickly as I can.

Jim

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000012

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000064

Michael Kurtz

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Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey
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I understand. Thank you for considering our request. We will move forward with licensing the model from Ventyx, and obtaining from Aces the data necessary to run the model and reproduce the results produced by Aces. We assume there will be no problems or delays pursuing this avenue. If there are, we may need to revisit the issue.

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

Sent: Friday, May 18, 2012 1:58 PM

To: Jim Miller

Cc: 'dbrown@stites.com'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com<<mailto:childerslaw@yahoo.com>>); 'kristin.henry@sierraclub.org'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; Tyson Kamuf

Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Jim.

It has been a week since I sent you the attached letter seeking information on how the KIUC experts can have access to the computer models relied upon by Big Rivers. We are preparing our data requests that will be served Monday, and I want to direct your attention to this matter again.

In the recent Kentucky Power ECR case, the experts for Sierra Club had difficulty obtaining the computer models relied upon by AEP. Sierra Club was forced to file a motion to compel. We want to avoid those types of problems here. Also, we want to keep this case on track and not be required to seek amendment of the procedural schedule.

Your assistance is appreciated.

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>>

000063

From: Michael Kurtz

Sent: Friday, May 11, 2012 2:33 PM

To: Jim Miller

Cc: dbrown@stites.com<<mailto:dbrown@stites.com>>; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com<<mailto:childerslaw@yahoo.com>>); kristin.henry@sierraclub.org<<mailto:kristin.henry@sierraclub.org>>; Nguyen, Quang D (PSC); 'Burns, Faith (PSC); Kurt Boehm
Subject: KIUC correspondence to BREC, Docket No. 2012-00063

Please see attached letter regarding the above-referenced docket. Please advise if you have any problems opening.

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>>

Michael Kurtz

From: Jim Miller [jmiller@smsmlaw.com]
Sent: Tuesday, May 29, 2012 10:22 AM
To: Michael Kurtz
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Subject: RE: BREC Data Request Responses, Docket No. 2012-00063

Counsel:

As you know, the due date for Big Rivers' responses to the initial requests for information is this Friday, June 1. Big Rivers' plan is to send those responses out on Friday by Federal Express for delivery on Monday, June 4, except that the filing at the Commission will be made Friday, and copies will be dropped at the Attorney General's office on Friday. Depending upon how much time we have on Friday, we may drop off David Brown's copy in Louisville, too. The responses are far too large to e-mail.

If any counsel wants his or her copy of the Big Rivers responses delivered by Federal Express on Saturday, June 2, rather than on Monday, June 4, please respond to this message with the following information, and copy your response to tkamuf@smsmlaw and roger.hickman@bigrivers.com no later than COB on Thursday, May 31:

- Name of addressee for delivery of the package;
- Address for delivery of the package that has been confirmed by intervenor counsel as an address to which Federal Express will deliver on Saturday;
- May the package be left without a signature; and
- Telephone number of the addressee.

Also please note that we do not yet have a confidentiality agreement from Kirstin Henry and those in her office who will have access to information filed under a petition for confidential treatment. We need that confidentiality agreement to serve copies of confidential information on the Sierra Club San Francisco address on Friday.

Please call if you have any questions.

Jim Miller

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

From: Michael Kurtz [mailto:MKurtz@bkllawfirm.com]
Sent: Fri 5/25/2012 1:19 PM
To: Jim Miller
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Jim.

I understand. Thank you for considering our request. We will move forward with licensing the model from Ventyx, and obtaining from Aces the data necessary to run the model and reproduce the results produced by Aces. We assume there will be no problems or delays pursuing this avenue. If there are, we may need to revisit the issue.

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

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

Sent: Friday, May 25, 2012 12:14 PM

To: Michael Kurtz

Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey

Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Mike:

Big Rivers has considered the request in your e-mail message of yesterday that Big Rivers allow and arrange for your consultant to go to the offices of Big Rivers' consultants, and have Big Rivers' consultants conduct runs of the models they are using in their engagements with Big Rivers to develop cases based upon KIUC's preferred assumptions. Big Rivers is unwilling to agree to that request for a number of reasons. Big Rivers has provided and continues to provide vast amounts of information to the Commission staff and the intervenors well in advance of the due date for Big Rivers' responses to the first information requests.

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

CONFIDENTIALITY STATEMENT:

000071

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

Sent: Thursday, May 24, 2012 3:13 PM

To: Jim Miller

Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet

Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Thanks Jim.

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

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

Sent: Thursday, May 24, 2012 4:12 PM

To: Michael Kurtz

Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet

Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Mike,

I just picked up your message. We will discuss this and I will get back to you as quickly as I can.

Jim

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

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

Sent: Thu 5/24/2012 10:33 AM

To: Jim Miller

Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet

Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Jim.

As you are aware, Phil Hayet with Hayet Power Systems Consulting has been investigating requirements to obtain the same models and data that were used by Big Rivers' outside consultants, ACES Power Marketing ("ACES") and Pace Global ("Pace"), in order to be able to reproduce the results developed for this proceeding, as well as to create new results of our own. After having spoken with Christian Whitaker at Pace Global, John Sturm at ACES, and Julie Albright and Brenton Meece at Ventyx (developer of the PAR model used by ACES), Mr. Hayet has concluded that our first priority would be to gain access to the PAR model, although he has not ruled out the possibility that he would want to be able to re-run some cases performed by PACE using the Aurora model.

Based on discussions with Ventyx, Mr. Hayet is aware that the cost of a three month license of PAR would be approximately \$30 thousand dollars. While this may be the route that we ultimately choose, we also want to explore the possibility of Mr. Hayet being permitted to go onsite to ACES' office for the purpose of working one-on-one with ACES' modeling staff to develop cases based on our preferred assumptions. Mr. Hayet has done that before and that has been both a cost effective and expedient approach for other projects of a similar nature.

While we have been able to gain a basic understanding of the modeling work that was performed by ACES and Pace, there are still some gaps that we hope will be filled in after our discovery is answered. At that point we should know whether we will need to run both models. If so, we may need permission to go to access and run the models at both ACES and Pace's offices due to the time constraints of the procedural schedule and the cost-effectiveness of this approach compared to acquiring licenses directly.

Thus we request that you contact both ACES and Pace to identify dates during which Mr. Hayet could make one or two on-site visits at each of their offices for a 2 - 3 day period at each office to conduct our analyses using their models and databases. At this time, we believe that the most likely course will be a single visit by Mr. Hayet to the ACES' office for a 2 - 3 day period. We propose dates of June 11 through 13 for this purpose as there is limited time between when the first round of discovery will be answered and delivered to us and when our second set of questions are due.

As mentioned in our letter from May 11, the short time frame of this proceeding requires that we obtain access to this data and the models, as soon as possible, and at this stage we are only aware of the cost to license the PAR model. We are still having discussions with John Sturm at ACES regarding requirements to be able to obtain the database that ACES used, in the event that we decide to license the PAR model ourselves. This additional information concerning the requirements necessary to instead be able to go on-site to ACES' office (and possibly Pace's office) to conduct the modeling runs with their assistance would be helpful in making our final decision about how to proceed.

As stated in our last letter, we can arrange to have a conference call with Company and/or consultant/contractor personnel to expedite this process. We would appreciate a quick response to this letter given the limited time available.

Thanks

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

From: Jim Miller [<mailto:jmiller@smsmlaw.com>]
Sent: Friday, May 18, 2012 4:34 PM
To: Michael Kurtz
Cc: dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf
Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Mike:

We have been working since receiving your message of last week to assemble the information you requested. At this point we can provide the following information about access to the models employed by Big Rivers' consultants in conducting their analyses. The data compilation of all input files, output files, assumptions, and other requested data is underway.

Response from ACES Power Marketing ("APM")

APM used the Ventyx Planning and RISK model. We understand that its license agreements indicate that it cannot release the licensed software or any proprietary Ventyx information. KIUC may contact Ventyx and request the cost and installation requirement

by calling Julie Albright at 832-553-0880.

Response from Pace Global

The model used by Pace Global is a product of EPIS, Inc. called AuroraXMP, commonly referred to as Aurora. Aurora is an hourly merit-order dispatch simulator that calculates hourly dispatch for integrated grid operations. A license is required to use the Aurora model. Pace Global's contact at EPIS is Deborah Austin Smith. http://epis.com/aurora_xmp/power_forecasting.php. Their formal contact address is EPIS, Inc., 1800 Blankenship Road Suite 350, West Linn, OR 97068. Phone: (503) 722-2023.

In addition, Pace Global has made several proprietary modifications to the leased Aurora model in order to enhance and improve its inherent capabilities. These modifications are confidential and proprietary, however, they can be leased from Pace Global in order to facilitate a simulation by a third party for their exclusive internal use. Licensing restrictions are based on the intended use, distribution, and access requirements of the user. To facilitate use of Aurora, Pace Global can provide input data tables in Aurora database format if necessary.

Pace Global can provide documentation and instructions on the use of its proprietary modifications to the Aurora model should third parties wish to license it. The Aurora model contains integrated instructions documentation for licensed users and can be obtained directly from the Licensor, EPIS. The contact at PACE Global is Christian Whitaker, Christian.Whitaker@PaceGlobal.com, (703) 227-1036.

Response from Sargent & Lundy

Sargent & Lundy tells us that their model is an Excel spreadsheet that can be provided without licensing.

We would expect to provide most of the production input data under a petition for confidential treatment. I think we already have confidentiality coverage for several members of the KIUC and Attorney General teams, and I have e-mailed the form of confidentiality agreement to Joe Childers for Sierra Club and Ben Taylor.

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: Michael Kurtz [<mailto:MKurtz@bklawfirm.com>]

Sent: Friday, May 18, 2012 1:58 PM

To: Jim Miller

Cc: 'dbrown@stites.com'; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com<<mailto:childerslaw@yahoo.com>>); 'kristin.henry@sierraclub.org'; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; Tyson Kamuf

Subject: RE: KIUC correspondence to BREC, Docket No. 2012-00063

Jim.

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000074

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Your assistance is appreciated.

Michael L. Kurtz, Esq.
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Ph: 513.421.2255 Fax: 513.421.2764
E-mail: mkurtz@BKLLawfirm.com<<mailto:mkurtz@BKLLawfirm.com>>

From: Michael Kurtz
Sent: Friday, May 11, 2012 2:33 PM
To: Jim Miller
Cc: dbrown@stites.com<<mailto:dbrown@stites.com>>; Hans, Jennifer (KYOAG); Howard, Demis (KYOAG); Cook, Larry (KYOAG); 'joe@jchilderslaw.com'; 'Joe Childers (childerslaw@yahoo.com<<mailto:childerslaw@yahoo.com>>); 'kristin.henry@sierraclub.org<<mailto:kristin.henry@sierraclub.org>>; Nguyen, Quang D (PSC); 'Burns, Faith (PSC)'; Kurt Boehm
Subject: KIUC correspondence to BREC, Docket No. 2012-00063

Please see attached letter regarding the above-referenced docket. Please advise if you have any problems opening.

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>>

Michael Kurtz

From: Michael Kurtz
Sent: Tuesday, May 29, 2012 4:32 PM
To: 'Jim Miller'; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: 'Brenton.Meese@ventyx.abb.com'; 'briana@acespower.com'; 'johnst@acespower.com'
Subject: Big Rivers Modeling Case 2012-00063

Counsel,

After having explored the option of our going to ACES Power Marketing's ("ACES") office to make KIUC's production cost runs, we have now decided to obtain a PAR model license from Ventyx, and will make our own runs. This email is going to all parties involved in providing the software, data and results, including Big Rivers, Ventyx, and ACES Power Marketing,

Mr. Hayet is coordinating with Ventyx to acquire a license to access the same tools (EnerPrise database/Microsoft SQL) that ACES uses to run the PAR model. Mr. Hayet is aware this will require certain hardware and software requirements, which he will arrange for with Ventyx. Mr. Hayet will also work with Ventyx to install the software with the goal of being able to reproduce ACES' results on his own computer. In order to do that, Mr. Hayet understands from Ventyx, that early coordination between ACES, Ventyx, and me will be required.

We suggest that we arrange a conference call for tomorrow if at all possible, between Mr. Hayet, Ventyx, and ACES (and whoever else would be appropriate) to discuss the technical details to help smooth the way, and to minimize unnecessary delays. For example, one question that will have to be answered is whether ACES will provide a database containing just the Big Rivers data, or a large database with all of the companies that it models in it, including Big Rivers. This will be important for us to know what we will have to do to install the model. We are also aware that Ventyx would likely have other questions as well that will have to be answered.

We are targeting the week of June 11th to install the software, so we would like to work through all of the details prior to that.

We would like to have this call tomorrow or Thursday if at all possible so that we can clear Ventyx to proceed with the process and we can finalize the license. We would like to ask ACES, Ventyx, Mr. Hayet, and anyone else who wants to be on the call, **to indicate times that you are not available** on Wednesday and on Thursday, and we will find a time that will hopefully work for everyone.

Thank you for your assistance.

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

000076

Michael Kurtz

From: Brenton Meese [Brenton.Meese@ventyx.abb.com]
Sent: Tuesday, May 29, 2012 5:37 PM
To: Michael Kurtz; Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

Hi Mike,

Ventyx is pleased to support this modeling effort and coordinate the activities with ACES and Hayet Consulting upfront.

Mr. Joe McLeer will be representing Ventyx Advisors on the phone call and as the project manager, ready to assist with fielding/asking technical questions on the ACES database, the PaR version, and streamlining the installation/setup process with Phil Hayet.

Joe is available anytime tomorrow, and is copied on this email, please include him on the invitation directly. Please also include me on the invitation as well.

Joe McLeer
Ventyx, an ABB Company
678-830-1079 office
Joseph.McLeer@ventyx.abb.com

I will actually be at ACES tomorrow for other business meetings, and will try to shadow the call (time permitting).

Best Regards,
Brenton

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

VENTYX
an ABB company
www.ventyx.com

From: Michael Kurtz [<mailto:MKurtz@bklawfirm.com>]
Sent: Tuesday, May 29, 2012 4:32 PM
To: 'Jim Miller'; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: Brenton Meese; 'briana@acespower.com'; 'johnst@acespower.com'
Subject: Big Rivers Modeling Case 2012-00063

Counsel,

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000077

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Thank you for your assistance.

Mike

Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY
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Ph: 513.421.2255 Fax: 513.421.2764
E-mail: mkurtz@BKLawfirm.com

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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.

000078

Michael Kurtz

From: Brian Azman [BrianA@acespower.com]
Sent: Tuesday, May 29, 2012 5:58 PM
To: Michael Kurtz; 'Jim Miller'; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: 'Brenton.Meese@ventyx.abb.com'; John Sturm
Subject: RE: Big Rivers Modeling Case 2012-00063

ACES Power would not be able to participate in a conference call this week. Beginning tomorrow morning (Wed, May 30), we will be hosting approx 500 people at our annual Members Conference (scheduled a year ago). John Sturm – who is heading the Big Rivers PSC project for APM – is the lead on the conference as well. He is also scheduled to travel next Tues-Wed to a client's site.

In addition, both APM and Big Rivers are in the process of coordinating responses to the previously sent data requests, due this week.

We propose Monday, June 4 for a conference call between the multiple parties.

Thx
Brian Azman
ACES Power Marketing

From: Michael Kurtz [mailto:MKurtz@bkllawfirm.com]
Sent: Tuesday, May 29, 2012 4:32 PM
To: 'Jim Miller'; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
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Thank you for your assistance.

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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

Think before you print

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000030

Michael Kurtz

From: Jim Miller [jmiller@smsmlaw.com]
Sent: Tuesday, May 29, 2012 6:31 PM
To: Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: Brenton.Meese@ventyx.abb.com; briana@acespower.com; johnst@acespower.com
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

Big Rivers can participate in a call on Monday as requested by ACES.

Jim

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

From: Michael Kurtz [mailto:MKurtz@bklfirm.com]
Sent: Tue 5/29/2012 3:32 PM
To: Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
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Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY
36 E. Seventh St., Suite 1510

000031

Cincinnati, Ohio 45202
Ph: 513.421.2255 Fax: 513.421.2764
E-mail: mkurtz@BKLawfirm.com

000032

Michael Kurtz

From: Brenton Meese [Brenton.Meese@ventyx.abb.com]
Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: Briana@acespower.com; johnst@acespower.com; Joseph McLeer
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BRENTON MEESE
Executive Account Manager
(O) 678.825.1467
(M) 404.964.8882

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www.ventyx.com

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Ph: 513.421.2255 Fax: 513.421.2764
E-mail: mkurtz@BKLawfirm.com

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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.

000034

Michael Kurtz

From: Philip Hayet [philhayet@concentric.net]
Sent: Tuesday, May 29, 2012 9:22 PM
To: 'Brenton Meese'; 'Jim Miller'; Michael Kurtz; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; 'Tyson Kamuf'; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

Next Monday at 11am Eastern is also a good time for me as well, as I am out of town, and can break then for the call.

Thanks,

Phil

From: Brenton Meese [mailto:Brenton.Meese@ventyx.abb.com]
Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
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BRENTON MEESE
Executive Account Manager
(O) 678.825.1467
(M) 404.964.8882

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Sent: Tuesday, May 29, 2012 6:31 PM
To: Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: Brenton Meese; briana@acespower.com; johnst@acespower.com
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

000035

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Jim

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

Sent: Tue 5/29/2012 3:32 PM

To: Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com

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000087

Michael Kurtz

From: Michael Kurtz
Sent: Wednesday, May 30, 2012 9:04 AM
To: 'Brenton Meese'; Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

Everyone.

Thank you for the response. It looks like Monday June 4 at 11:00 am Eastern is the best time. Please use the following call in number: 866-906-9888 pass 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@BKLLawfirm.com

From: Brenton Meese [<mailto:Brenton.Meese@ventyx.abb.com>]
Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
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000098

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Jim

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To: Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: 'Brenton.Meese@ventyx.abb.com'; 'briana@acespower.com'; 'johnst@acespower.com'
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000030

Michael Kurtz

From: Brenton Meese [Brenton.Meese@ventyx.abb.com]
Sent: Wednesday, May 30, 2012 5:50 PM
To: Michael Kurtz
Subject: RE: Big Rivers Modeling Case 2012-00063

Thanks Michael – we will be on the call to assist in the discussion.

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

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From: Michael Kurtz [mailto:MKurtz@bkllawfirm.com]
Sent: Wednesday, May 30, 2012 9:04 AM
To: Brenton Meese; Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
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000091

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www.ventyx.com

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Subject: RE: Big Rivers Modeling Case 2012-00063

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Mike

000002

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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000003

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Sent: Thursday, May 31, 2012 9:21 AM
To: Michael Kurtz; 'Brenton Meese'; 'Jim Miller'; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; 'Tyson Kamuf'; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

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Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 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
E-mail: mkurtz@BKllawfirm.com

000004

From: Brenton Meese [<mailto:Brenton.Meese@ventyx.abb.com>]
Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
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Think before you print

000099

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000100

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To: 'Brian Azman'; Michael Kurtz; 'Brenton Meese'; 'Jim Miller'; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; 'Tyson Kamuf'; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: 'John Sturm'; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

Thanks Brian, in the interests of keeping the ball moving forward, any issue to discuss in advance concerning getting the database by the 11th?

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We suggest that we arrange a conference call for tomorrow if at all possible, between Mr. Hayet, Ventyx, and ACES (and whoever else would be appropriate) to discuss the technical details to help smooth the way, and to minimize unnecessary delays. For example, one question that will have to be answered is whether ACES will provide a database containing just the Big Rivers data, or a large database with all of the companies that it models in it, including Big Rivers. This will be important for us to know what we will have to do to install the model. We are also aware that Ventyx would likely have other questions as well that will have to be answered.

We are targeting the week of June 11th to install the software, so we would like to work through all of the details prior to that.

We would like to have this call tomorrow or Thursday if at all possible so that we can clear Ventyx to proceed with the process and we can finalize the license. We would like to ask ACES, Ventyx, Mr. Hayet, and anyone else who wants to be on the call, to indicate times that you are not available on Wednesday and on Thursday, and we will find a time that will hopefully work for everyone.

Thank you for your assistance.

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@BKLLawfirm.com

000103

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Think before you print

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000104

Michael Kurtz

From: John Sturm [JohnSt@acespower.com]
Sent: Thursday, May 31, 2012 10:57 AM
To: Philip Hayet
Cc: Brian Azman; Michael Kurtz; Brenton Meese; Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com; Joseph McLeer
Subject: Re: Big Rivers Modeling Case 2012-00063

I can meet at 5pm too. Also, Please understand that APM can provide all the inputs by June 11, but it will be up to you and Ventyx to work together to build up your database/model.

John Sturm

On May 31, 2012, at 10:41 AM, "Philip Hayet"
<philhayet@concentric.netmailto:philhayet@concentric.net>> wrote:

Thanks Brian, in the interests of keeping the ball moving forward, any issue to discuss in advance concerning getting the database by the 11th?

Thanks,
Phil Hayet

From: Brian Azman [mailto:BrianA@acespower.com]
Sent: Thursday, May 31, 2012 10:35 AM
To: 'Philip Hayet'; 'Michael Kurtz'; 'Brenton Meese'; 'Jim Miller'; dbrown@stites.com<mailto:dbrown@stites.com>; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com<mailto:joe@jchilderslaw.com>; childerslaw@yahoo.com<mailto:childerslaw@yahoo.com>; kristin.henry@sierraclub.org<mailto:kristin.henry@sierraclub.org>; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; 'Kurt Boehm'; 'Tyson Kamuf'; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com<mailto:Roger.Hickman@bigrivers.com>
Cc: John Sturm; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

I can make a call at this time
Brian Azman

From: Philip Hayet [mailto:philhayet@concentric.net]
Sent: Thursday, May 31, 2012 9:21 AM

To: 'Michael Kurtz'; 'Brenton Meese'; 'Jim Miller';
dbrown@stites.com<mailto:dbrown@stites.com>; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com<mailto:joe@jchilderslaw.com>;
childerslaw@yahoo.com<mailto:childerslaw@yahoo.com>;
kristin.henry@sierraclub.org<mailto:kristin.henry@sierraclub.org>; 'Nguyen, Quang D (PSC)';
'Burns, Faith (PSC)'; 'Kurt Boehm'; 'Tyson Kamuf'; 'Lane Kollen'; 'Albert Yockey';
Roger.Hickman@bigrivers.com<mailto:Roger.Hickman@bigrivers.com>
Cc: Brian Azman; John Sturm; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

I am going to have to ask everyone's indulgence. Last night I was informed of a family commitment, which I want to attend, which is my child's grad school orientation that is also scheduled for Monday at 11 am. I am going to float another time, and after having spoken with Joe McLeer at Ventyx, this would actually be better for him as well. That would still be Monday June 4th, but at 5pm Eastern Time. Joe prefers this too as he could do it from the comfort of his hotel room (will be 6pm where he will be at).

I am hoping this will work for everyone and that Mike, you will be able to schedule the same call in number for that time. Please let me know if that time works for everyone, but for scheduling purposes, the most important people to be on the call are the ones that are able to discuss the technical issues.

Also, just to give everyone a heads up, we will need to have the ACES database in hand by Monday June 11 in order to begin working with Ventyx for installation of the software and database. We can discuss the logistics of getting that by then on the conference call. Or if that looks like it will present any issues, please respond to this email, as it would be better to start addressing that now.

Thanks,

Phil

From: Michael Kurtz [mailto:MKurtz@bkllawfirm.com]
Sent: Wednesday, May 30, 2012 9:04 AM
To: 'Brenton Meese'; Jim Miller; dbrown@stites.com<mailto:dbrown@stites.com>; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG);
joe@jchilderslaw.com<mailto:joe@jchilderslaw.com>;
childerslaw@yahoo.com<mailto:childerslaw@yahoo.com>;
kristin.henry@sierraclub.org<mailto:kristin.henry@sierraclub.org>; Nguyen, Quang D (PSC);
Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey;
Roger.Hickman@bigrivers.com<mailto:Roger.Hickman@bigrivers.com>

Cc: briana@acespower.com<mailto:briana@acespower.com>;
johnst@acespower.com<mailto:johnst@acespower.com>; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

Everyone.

Thank you for the response. It looks like Monday June 4 at 11:00 am Eastern is the best time.
Please use the following call in number: 866-906-9888 pass 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: Brenton Meese [mailto:Brenton.Meese@ventyx.abb.com]
Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com<mailto:dbrown@stites.com>; Hans,
Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG);
joe@jchilderslaw.com<mailto:joe@jchilderslaw.com>;
childerslaw@yahoo.com<mailto:childerslaw@yahoo.com>;
kristin.henry@sierraclub.org<mailto:kristin.henry@sierraclub.org>; Nguyen, Quang D (PSC);
Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey;
Roger.Hickman@bigrivers.com<mailto:Roger.Hickman@bigrivers.com>
Cc: briana@acespower.com<mailto:briana@acespower.com>;
johnst@acespower.com<mailto:johnst@acespower.com>; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

The Ventyx project manager, Joe McLeer, is very constrained next Monday as he will be at a client site in New Brunswick, Canada.

It is possible that Joe can attend if the call can take place at 11:00am Eastern or thereabouts.
We would like to request that an (800) dial-in number be issued with the meeting notice.
Please include him on any invitation. Thanks.

BRENTON MEESE
Executive Account Manager
(O) 678.825.1467

000107

(M) 404.964.8882
VENTYX
an ABB company
www.ventyx.com<http://www.ventyx.com>

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Tuesday, May 29, 2012 6:31 PM
To: Michael Kurtz; dbrown@stites.com<mailto:dbrown@stites.com>; Hans, Jennifer (KYOAG);
Howard, Dennis (KYOAG); Cook, Larry (KYOAG);
joe@jchilderslaw.com<mailto:joe@jchilderslaw.com>;
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kristin.henry@sierraclub.org<mailto:kristin.henry@sierraclub.org>; Nguyen, Quang D (PSC);
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Cc: Brenton Meese; briana@acespower.com<mailto:briana@acespower.com>;
johnst@acespower.com<mailto:johnst@acespower.com>
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

Big Rivers can participate in a call on Monday as requested by ACES.

Jim

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

From: Michael Kurtz [mailto:MKurtz@bkllawfirm.com]
Sent: Tue 5/29/2012 3:32 PM
To: Jim Miller; dbrown@stites.com<mailto:dbrown@stites.com>; Hans, Jennifer (KYOAG);
Howard, Dennis (KYOAG); Cook, Larry (KYOAG);
joe@jchilderslaw.com<mailto:joe@jchilderslaw.com>;
childerslaw@yahoo.com<mailto:childerslaw@yahoo.com>;
kristin.henry@sierraclub.org<mailto:kristin.henry@sierraclub.org>; Nguyen, Quang D (PSC);
Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey;
Roger.Hickman@bigrivers.com<mailto:Roger.Hickman@bigrivers.com>
Cc: 'Brenton.Meese@ventyx.abb.com<mailto:Brenton.Meese@ventyx.abb.com>';
'briana@acespower.com<mailto:briana@acespower.com>';
'johnst@acespower.com<mailto:johnst@acespower.com>'
Subject: Big Rivers Modeling Case 2012-00063

000108

Counsel,

After having explored the option of our going to ACES Power Marketing's ("ACES") office to make KIUC's production cost runs, we have now decided to obtain a PAR model license from Ventyx, and will make our own runs. This email is going to all parties involved in providing the software, data and results, including Big Rivers, Ventyx, and ACES Power Marketing,

Mr. Hayet is coordinating with Ventyx to acquire a license to access the same tools (EnerPrise database/Microsoft SQL) that ACES uses to run the PAR model. Mr. Hayet is aware this will require certain hardware and software requirements, which he will arrange for with Ventyx. Mr. Hayet will also work with Ventyx to install the software with the goal of being able to reproduce ACES' results on his own computer. In order to do that, Mr. Hayet understands from Ventyx, that early coordination between ACES, Ventyx, and me will be required.

We suggest that we arrange a conference call for tomorrow if at all possible, between Mr. Hayet, Ventyx, and ACES (and whoever else would be appropriate) to discuss the technical details to help smooth the way, and to minimize unnecessary delays. For example, one question that will have to be answered is whether ACES will provide a database containing just the Big Rivers data, or a large database with all of the companies that it models in it, including Big Rivers. This will be important for us to know what we will have to do to install the model. We are also aware that Ventyx would likely have other questions as well that will have to be answered.

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Thank you for your assistance.

Mike

Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY
36 E. Seventh St., Suite 1510
Cincinnati, Ohio 45202

000109

Ph: 513.421.2255 Fax: 513.421.2764

E-mail: mkurtz@BKLawfirm.com<<mailto:mkurtz@BKLawfirm.com>>

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

000111

Michael Kurtz

From: Jim Miller [jmillers@smsmlaw.com]
Sent: Thursday, May 31, 2012 11:05 AM
To: Philip Hayet; Michael Kurtz; Brenton Meese; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

Big Rivers can participate on a call on Monday at 5:00 p.m. EDT. With the additional information that Big Rivers will be serving and filing tomorrow, the Commission staff and all intervenors who have signed confidentiality agreements will have all the planning model input data in the form in which it was given to ACES. We believe that fulfills all commitments made by Big Rivers and ACES.

Jim

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

From: Philip Hayet [mailto:philhayet@concentric.net]
Sent: Thu 5/31/2012 8:20 AM
To: 'Michael Kurtz'; 'Brenton Meese'; Jim Miller; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; 'Kurt Boehm'; Tyson Kamuf; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

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Thanks,

000112

Phil

From: Michael Kurtz [<mailto:MKurtz@bklawfirm.com>]
Sent: Wednesday, May 30, 2012 9:04 AM
To: 'Brenton Meese'; Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

Everyone.

Thank you for the response. It looks like Monday June 4 at 11:00 am Eastern is the best time. Please use the following call in number: 866-906-9888 pass 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@BKLlawfirm.com

From: Brenton Meese [<mailto:Brenton.Meese@ventyx.abb.com>]
Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

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It is possible that Joe can attend if the call can take place at 11:00am Eastern or thereabouts. We would like to request that an (800) dial-in

000113

number be issued with the meeting notice. Please include him on any invitation. Thanks.

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

VENTYX
an ABB company
www.ventyx.com

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Tuesday, May 29, 2012 6:31 PM
To: Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
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Cc: 'Brenton.Meese@ventyx.abb.com'; 'briana@acespower.com'; 'johnst@acespower.com'
Subject: Big Rivers Modeling Case 2012-00063

Counsel,

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000114

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model. Mr. Hayet is aware this will require certain hardware and software requirements, which he will arrange for with Ventyx. Mr. Hayet will also work with Ventyx to install the software with the goal of being able to reproduce ACES' results on his own computer. In order to do that, Mr. Hayet understands from Ventyx, that early coordination between ACES, Ventyx, and me will be required.

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Thank you for your assistance.

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

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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.

Michael Kurtz

From: Philip Hayet [philhayet@concentric.net]
Sent: Thursday, May 31, 2012 12:11 PM
To: 'Jim Miller'; Michael Kurtz; 'Brenton Meese'; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; 'Tyson Kamuf'; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

This is in response to both Jim Miller and John Sturm's emails. However, I will preface this by saying I will leave all legal issues to the attorneys to discuss. My interest in sending this email is purely to seek clarification of the technical aspects to get the information that we need in order to be able to reproduce Big Rivers/ACES's modeling results when we are with Ventyx early the week of June 11th.

John, please clarify what you mean "but it will be up to you and Ventyx to work together to build up your database/model." We know ACES has the database, which we are seeking and our goal is to reproduce your results exactly once we receive the database from you. Please clarify what you mean about what we will need to do after we receive your database in order "to build up the database".

What we don't know is how large the database will be that we receive from you, and what it will contain besides the Big River's data, if anything. But again, what we need to be able to do is get your exact database and be able to reproduce exactly the results that ACES produced.

Concerning Jim's email, I would also seek clarification if what we are going to receive are the ACES model input database files? For example our question 19 and possibly others attempt to get all models and inputs for those models, which would include the inputs used by ACES to run in the PAR.model.

If there are any questions about interpretation, I will leave that for the attorneys to discuss.

Thanks,

Phil Hayet

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Thursday, May 31, 2012 11:05 AM
To: Philip Hayet; Michael Kurtz; Brenton Meese; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com
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All:

Big Rivers can participate on a call on Monday at 5:00 p.m. EDT. With the additional information that Big Rivers will be serving and filing tomorrow, the Commission staff and all intervenors who have signed confidentiality agreements will have all the planning model input data in the form in which it was given to ACES. We believe that fulfills all commitments made by Big Rivers and ACES.

Jim

000216

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

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

Sent: Thu 5/31/2012 8:20 AM

To: 'Michael Kurtz'; 'Brenton Meese'; Jim Miller; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; 'Kurt Boehm'; Tyson Kamuf; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

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Thanks,

Phil

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

Sent: Wednesday, May 30, 2012 9:04 AM

To: 'Brenton Meese'; Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

Everyone.

Thank you for the response. It looks like Monday June 4 at 11:00 am Eastern

000117

'is the best time. Please use the following call in number: 866-906-9888
pass 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@BKLLawfirm.com

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Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG);
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Executive Account Manager
(O) 678.825.1467
(M) 404.964.8882

VENTYX
an ABB company
www.ventyx.com

From: Jim Miller [<mailto:jmiller@smsmlaw.com>]
Sent: Tuesday, May 29, 2012 6:31 PM
To: Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis

000113

(KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: Brenton Meese; briana@acespower.com; johnst@acespower.com
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

Big Rivers can participate in a call on Monday as requested by ACES.

Jim

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Sent: Tue 5/29/2012 3:32 PM

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Cc: 'Brenton.Meese@ventyx.abb.com'; 'briana@acespower.com';

'johnst@acespower.com'

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Counsel,

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Mr. Hayet is coordinating with Ventyx to acquire a license to access the same tools (EnerPrise database/Microsoft SQL) that ACES uses to run the PAR model. Mr. Hayet is aware this will require certain hardware and software requirements, which he will arrange for with Ventyx. Mr. Hayet will also work with Ventyx to install the software with the goal of being able to reproduce ACES' results on his own computer. In order to do that, Mr. Hayet understands from Ventyx, that early coordination between ACES, Ventyx, and me will be required.

We suggest that we arrange a conference call for tomorrow if at all possible, between Mr. Hayet, Ventyx, and ACES (and whoever else would be appropriate) to discuss the technical details to help smooth the way, and to minimize unnecessary delays. For example, one question that will have to be answered is whether ACES will provide a database containing just the Big Rivers data, or a large database with all of the companies that it models in it, including Big Rivers. This will be important for us to know what we will have to do to install the model. We are also aware that Ventyx would likely have other questions as well that will have to be answered.

We are targeting the week of June 11th to install the software, so we would like to work through all of the details prior to that.

We would like to have this call tomorrow or Thursday if at all possible so that we can clear Ventyx to proceed with the process and we can finalize the license. We would like to ask ACES, Ventyx, Mr. Hayet, and anyone else who

000119

wants to be on the call, to indicate times that you are not available on Wednesday and on Thursday, and we will find a time that will hopefully work for everyone.

Thank you for your assistance.

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

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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.

000100

Michael Kurtz

From: John Sturm [JohnSt@acespower.com]
Sent: Thursday, May 31, 2012 12:40 PM
To: Philip Hayet
Cc: Jim Miller; Michael Kurtz; Brenton Meese; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com; Brian Azman; Joseph McLeer
Subject: Re: Big Rivers Modeling Case 2012-00063

Phil,

We discussed this a few times last week so I think the best thing to do is discuss it again on Monday. At least I thought that was the purpose of Monday's meeting.

John Sturm

On May 31, 2012, at 12:10 PM, "Philip Hayet"
<philhay@concentric.net<mailto:philhay@concentric.net>> wrote:

This is in response to both Jim Miller and John Sturm's emails. However, I will preface this by saying I will leave all legal issues to the attorneys to discuss. My interest in sending this email is purely to seek clarification of the technical aspects to get the information that we need in order to be able to reproduce Big Rivers/ACES's modeling results when we are with Ventyx early the week of June 11th.

John, please clarify what you mean "but it will be up to you and Ventyx to work together to build up your database/model." We know ACES has the database, which we are seeking and our goal is to reproduce your results exactly once we receive the database from you. Please clarify what you mean about what we will need to do after we receive your database in order "to build up the database".

What we don't know is how large the database will be that we receive from you, and what it will contain besides the Big River's data, if anything. But again, what we need to be able to do is get your exact database and be able to reproduce exactly the results that ACES produced.

Concerning Jim's email, I would also seek clarification if what we are going to receive are the ACES model input database files? For example our question 19 and possibly others attempt to

get all models and inputs for those models, which would include the inputs used by ACES to run in the PAR model.

If there are any questions about interpretation, I will leave that for the attorneys to discuss.

Thanks,

Phil Hayet

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Thursday, May 31, 2012 11:05 AM
To: Philip Hayet; Michael Kurtz; Brenton Meese;
dbrown@stites.com<mailto:dbrown@stites.com>; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com<mailto:joe@jchilderslaw.com>; childerslaw@yahoo.com<mailto:childerslaw@yahoo.com>; kristin.henry@sierraclub.org<mailto:kristin.henry@sierraclub.org>; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com<mailto:Roger.Hickman@bigrivers.com>
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Subject: RE: Big Rivers Modeling Case 2012-00063

All:

Big Rivers can participate on a call on Monday at 5:00 p.m. EDT. With the additional information that Big Rivers will be serving and filing tomorrow, the Commission staff and all intervenors who have signed confidentiality agreements will have all the planning model input data in the form in which it was given to ACES. We believe that fulfills all commitments made by Big Rivers and ACES.

Jim

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From: Philip Hayet [mailto:philhayet@concentric.net]
Sent: Thu 5/31/2012 8:20 AM
To: 'Michael Kurtz'; 'Brenton Meese'; Jim Miller;
dbrown@stites.com<mailto:dbrown@stites.com>; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis

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Subject: RE: Big Rivers Modeling Case 2012-00063

Everyone.

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E-mail: mkurtz@BKLawfirm.com<mailto:mkurtz@BKLawfirm.com>

From: Brenton Meese [mailto:Brenton.Meese@ventyx.abb.com]
Sent: Tuesday, May 29, 2012 9:11 PM

000124

To: Jim Miller; Michael Kurtz; dbrown@stites.com<mailto:dbrown@stites.com>; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com<mailto:joe@jchilderslaw.com>; childerslaw@yahoo.com<mailto:childerslaw@yahoo.com>; kristin.henry@sierraclub.org<mailto:kristin.henry@sierraclub.org>; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com<mailto:Roger.Hickman@bigrivers.com>
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From: Jim Miller [<mailto:jmiller@smsmlaw.com>]
Sent: Tuesday, May 29, 2012 6:31 PM

000125

To: Michael Kurtz; dbrown@stites.com<mailto:dbrown@stites.com>; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com<mailto:joe@jchilderslaw.com>; childerslaw@yahoo.com<mailto:childerslaw@yahoo.com>; kristin.henry@sierraclub.org<mailto:kristin.henry@sierraclub.org>; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com<mailto:Roger.Hickman@bigrivers.com>
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Roger.Hickman@bigrivers.com<mailto:Roger.Hickman@bigrivers.com>

Cc: 'Brenton.Meese@ventyx.abb.com<mailto:Brenton.Meese@ventyx.abb.com>';

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Think before you print

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000128

Michael Kurtz

From: Michael Kurtz
Sent: Thursday, May 31, 2012 1:49 PM
To: Jim Miller
Cc: Philip Hayet; Brenton Meese; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com; briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: Re: Big Rivers Modeling Case 2012-00063

5:00 it is. Please use same dial in number.

Sent from my iPad

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All:

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Cc: 'Brenton.Meese@ventyx.abb.com'; 'briana@acespower.com'; 'johnst@acespower.com'
Subject: Big Rivers Modeling Case 2012-00063

Counsel,

000131

After having explored the option of our going to ACES Power Marketing's ("ACES") office to make KIUC's production cost runs, we have now decided to obtain a PAR model license from Ventyx, and will make our own runs. This email is going to all parties involved in providing the software, data and results, including Big Rivers, Ventyx, and ACES Power Marketing,

Mr. Hayet is coordinating with Ventyx to acquire a license to access the same tools (EnerPrise database/Microsoft SQL) that ACES uses to run the PAR model. Mr. Hayet is aware this will require certain hardware and software requirements, which he will arrange for with Ventyx. Mr. Hayet will also work with Ventyx to install the software with the goal of being able to reproduce ACES' results on his own computer. In order to do that, Mr. Hayet understands from Ventyx, that early coordination between ACES, Ventyx, and me will be required.

We suggest that we arrange a conference call for tomorrow if at all possible, between Mr. Hayet, Ventyx, and ACES (and whoever else would be appropriate) to discuss the technical details to help smooth the way, and to minimize unnecessary delays. For example, one question that will have to be answered is whether ACES will provide a database containing just the Big Rivers data, or a large database with all of the companies that it models in it, including Big Rivers. This will be important for us to know what we will have to do to install the model. We are also aware that Ventyx would likely have other questions as well that will have to be answered.

We are targeting the week of June 11th to install the software, so we would like to work through all of the details prior to that.

We would like to have this call tomorrow or Thursday if at all possible so that we can clear Ventyx to proceed with the process and we can finalize the license. We would like to ask ACES, Ventyx, Mr. Hayet, and anyone else who wants to be on the call, to indicate times that you are not available on Wednesday and on Thursday, and we will find a time that will hopefully work for everyone.

Thank you for your assistance.

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@BKLLawfirm.com

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000132

copies of the original message.

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.

000133

Michael Kurtz

From: Jim Miller [jmiller@smsmlaw.com]
Sent: Thursday, May 31, 2012 1:56 PM
To: Philip Hayet; Michael Kurtz; Brenton Meese; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

To clarify, Big Rivers is providing all the input data that it gave ACES to perform the production planning runs. Big Rivers has not received from ACES and is not furnishing the ACES internal database.

Jim

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

From: Philip Hayet [mailto:philhayet@concentric.net]
Sent: Thu 5/31/2012 11:10 AM
To: Jim Miller; 'Michael Kurtz'; 'Brenton Meese'; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; 'Kurt Boehm'; Tyson Kamuf; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

This is in response to both Jim Miller and John Sturm's emails. However, I will preface this by saying I will leave all legal issues to the attorneys to discuss. My interest in sending this email is purely to seek clarification of the technical aspects to get the information that we need in order to be able to reproduce Big Rivers/ACES's modeling results when we are with Ventyx early the week of June 11th.

John, please clarify what you mean "but it will be up to you and Ventyx to work together to build up your database/model." We know ACES has the database, which we are seeking and our goal is to reproduce your results exactly once we receive the database from you. Please clarify what you mean about what we will need to do after we receive your database in order "to build up the database".

What we don't know is how large the database will be that we receive from you, and what it will contain besides the Big River's data, if anything. But again, what we need to be able to do is get your exact database and be able to reproduce exactly the results that ACES produced.

Concerning Jim's email, I would also seek clarification if what we are going to receive are the ACES model input database files? For example our question 19 and possibly others attempt to get all models and inputs for those models, which would include the inputs used by ACES to run in the PAR model.

000134

If there are any questions about interpretation, I will leave that for the attorneys to discuss.

Thanks,

Phil Hayet

From: Jim Miller [<mailto:jmiller@smsmlaw.com>]
Sent: Thursday, May 31, 2012 11:05 AM
To: Philip Hayet; Michael Kurtz; Brenton Meese; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

Big Rivers can participate on a call on Monday at 5:00 p.m. EDT. With the additional information that Big Rivers will be serving and filing tomorrow, the Commission staff and all intervenors who have signed confidentiality agreements will have all the planning model input data in the form in which it was given to ACES. We believe that fulfills all commitments made by Big Rivers and ACES.

Jim

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

From: Philip Hayet [<mailto:philhayet@concentric.net>]
Sent: Thu 5/31/2012 8:20 AM
To: 'Michael Kurtz'; 'Brenton Meese'; Jim Miller; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; 'Kurt Boehm'; Tyson Kamuf; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

I am going to have to ask everyone's indulgence. Last night I was informed of a family commitment, which I want to attend, which is my child's grad school orientation that is also scheduled for Monday at 11 am. I am going to float another time, and after having spoken with Joe McLeer at Ventyx, this would actually be better for him as well. That would still be Monday June 4th, but at 5pm Eastern Time. Joe prefers this too as he could do it

000135

from the comfort of his hotel room (will be 6pm where he will be at).

I am hoping this will work for everyone and that Mike, you will be able to schedule the same call in number for that time. Please let me know if that time works for everyone, but for scheduling purposes, the most important people to be on the call are the ones that are able to discuss the technical issues.

Also, just to give everyone a heads up, we will need to have the ACES database in hand by Monday June 11 in order to begin working with Ventyx for installation of the software and database. We can discuss the logistics of getting that by then on the conference call. Or if that looks like it will present any issues, please respond to this email, as it would be better to start addressing that now.

Thanks,

Phil

From: Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]
Sent: Wednesday, May 30, 2012 9:04 AM
To: 'Brenton Meese'; Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

Everyone.

Thank you for the response. It looks like Monday June 4 at 11:00 am Eastern is the best time. Please use the following call in number: 866-906-9888 pass 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

000136

E-mail: mkurtz@BKLawfirm.com

From: Brenton Meese [<mailto:Brenton.Meese@ventyx.abb.com>]
Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

The Ventyx project manager, Joe McLeer, is very constrained next Monday as he will be at a client site in New Brunswick, Canada.

It is possible that Joe can attend if the call can take place at 11:00am Eastern or thereabouts. We would like to request that an (800) dial-in number be issued with the meeting notice. Please include him on any invitation. Thanks.

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

VENTYX
an ABB company
www.ventyx.com

From: Jim Miller [<mailto:jmiller@smsmlaw.com>]
Sent: Tuesday, May 29, 2012 6:31 PM
To: Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: Brenton Meese; briana@acespower.com; johnst@acespower.com
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

Big Rivers can participate in a call on Monday as requested by ACES.

Jim

000137

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

From: Michael Kurtz [mailto:MKurtz@bklfirm.com]

Sent: Tue 5/29/2012 3:32 PM

To: Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com

Cc: 'Brenton.Meese@ventyx.abb.com'; 'briana@acespower.com'; 'johnst@acespower.com'

Subject: Big Rivers Modeling Case 2012-00063

Counsel,

After having explored the option of our going to ACES Power Marketing's ("ACES") office to make KIUC's production cost runs, we have now decided to obtain a PAR model license from Ventyx, and will make our own runs. This email is going to all parties involved in providing the software, data and results, including Big Rivers, Ventyx, and ACES Power Marketing,

Mr. Hayet is coordinating with Ventyx to acquire a license to access the same tools (EnerPrise database/Microsoft SQL) that ACES uses to run the PAR model. Mr. Hayet is aware this will require certain hardware and software requirements, which he will arrange for with Ventyx. Mr. Hayet will also work with Ventyx to install the software with the goal of being able to reproduce ACES' results on his own computer. In order to do that, Mr. Hayet understands from Ventyx, that early coordination between ACES, Ventyx, and me will be required.

We suggest that we arrange a conference call for tomorrow if at all possible, between Mr. Hayet, Ventyx, and ACES (and whoever else would be appropriate) to discuss the technical details to help smooth the way, and to minimize unnecessary delays. For example, one question that will have to be answered is whether ACES will provide a database containing just the Big Rivers data, or a large database with all of the companies that it models in it, including Big Rivers. This will be important for us to know what we will have to do to install the model. We are also aware that Ventyx would likely have other questions as well that will have to be answered.

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Thank you for your assistance.

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@BKLfirm.com

000108

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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.

000179

Michael Kurtz

From: Philip Hayet [philhayet@concentric.net]
Sent: Thursday, May 31, 2012 2:12 PM
To: 'Jim Miller'; Michael Kurtz; 'Brenton Meese'; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; Kurt Boehm; 'Tyson Kamuf'; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

Joe and Brenton,

This provides the clarification from Big Rivers that I have been working hard to get. My client and I will have to discuss this and I will get back to you about how we are going to proceed, but let's still plan for Monday's conference call.

Thanks,

Phil

From: Jim Miller [mailto:jmiller@smsmlaw.com]
Sent: Thursday, May 31, 2012 1:56 PM
To: Philip Hayet; Michael Kurtz; Brenton Meese; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

To clarify, Big Rivers is providing all the input data that it gave ACES to perform the production planning runs. Big Rivers has not received from ACES and is not furnishing the ACES internal database.

Jim

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

From: Philip Hayet [mailto:philhayet@concentric.net]
Sent: Thu 5/31/2012 11:10 AM
To: Jim Miller; 'Michael Kurtz'; 'Brenton Meese'; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; 'Kurt Boehm'; Tyson Kamuf; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'
Subject: RE: Big Rivers Modeling Case 2012-00063

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000110

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Sent: Thursday, May 31, 2012 11:05 AM
To: Philip Hayet; Michael Kurtz; Brenton Meese; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

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0001 71

Rivers and ACES.

Jim

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

Sent: Thu 5/31/2012 8:20 AM

To: 'Michael Kurtz'; 'Brenton Meese'; Jim Miller; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; 'Kurt Boehm'; Tyson Kamuf; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com

Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'

Subject: RE: Big Rivers Modeling Case 2012-00063

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Thanks,

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

Sent: Wednesday, May 30, 2012 9:04 AM

To: 'Brenton Meese'; Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com

Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer

Subject: RE: Big Rivers Modeling Case 2012-00063

000142

Everyone.

Thank you for the response. It looks like Monday June 4 at 11:00 am Eastern is the best time. Please use the following call in number: 866-906-9888 pass 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

From: Brenton Meese [<mailto:Brenton.Meese@ventyx.abb.com>]
Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
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BRENTON MEESE
Executive Account Manager
(O) 678.825.1467
(M) 404.964.8882

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an ABB company

000143

From: Jim Miller [<mailto:jmiller@smsmlaw.com>]
Sent: Tuesday, May 29, 2012 6:31 PM
To: Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: Brenton Meese; briana@acespower.com; johnst@acespower.com
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

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Jim

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

From: Michael Kurtz [<mailto:MKurtz@bklawfirm.com>]
Sent: Tue 5/29/2012 3:32 PM
To: Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: 'Brenton.Meese@ventyx.abb.com'; 'briana@acespower.com'; 'johnst@acespower.com'
Subject: Big Rivers Modeling Case 2012-00063

Counsel,

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000144

We are targeting the week of June 11th to install the software, so we would like to work through all of the details prior to that.

We would like to have this call tomorrow or Thursday if at all possible so that we can clear Ventyx to proceed with the process and we can finalize the license. We would like to ask ACES, Ventyx, Mr. Hayet, and anyone else who wants to be on the call, to indicate times that you are not available on Wednesday and on Thursday, and we will find a time that will hopefully work for everyone.

Thank you for your assistance.

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

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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.

000145

Michael Kurtz

From: Hans, Jennifer (KYOAG) [jennifer.hans@ag.ky.gov]
Sent: Thursday, May 31, 2012 2:19 PM
To: Michael Kurtz; Jim Miller
Cc: Philip Hayet; Brenton Meese; dbrown@stites.com; Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com; briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

Jim and Mike:

We appreciate that you both have included the OAG on the details associated this teleconference. If my schedule permits, I will plan to call in on June 4th at 5:00 pm, but we do not believe that the OAG is a necessary participant to finalizing the technical details associated with these transactions.

Thank you.

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

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From: Michael Kurtz [mailto:MKurtz@bkllawfirm.com]
Sent: Thursday, May 31, 2012 1:49 PM
To: Jim Miller
Cc: Philip Hayet; Brenton Meese; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Albert Yockey; Roger.Hickman@bigrivers.com; briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: Re: Big Rivers Modeling Case 2012-00063

000146

5:00 it is. Please use same dial in number.

Sent from my iPad

On May 31, 2012, at 11:05 AM, "Jim Miller" <jmiller@smsmlaw.com> wrote:

All:

Big Rivers can participate on a call on Monday at 5:00 p.m. EDT. With the additional information that Big Rivers will be serving and filing tomorrow, the Commission staff and all intervenors who have signed confidentiality agreements will have all the planning model input data in the form in which it was given to ACES. We believe that fulfills all commitments made by Big Rivers and ACES.

Jim

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

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

Sent: Thu 5/31/2012 8:20 AM

To: 'Michael Kurtz'; 'Brenton Meese'; Jim Miller; dbrown@stites.com; 'Hans, Jennifer (KYOAG)'; 'Howard, Dennis (KYOAG)'; 'Cook, Larry (KYOAG)'; joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; 'Nguyen, Quang D (PSC)'; 'Burns, Faith (PSC)'; 'Kurt Boehm'; Tyson Kamuf; 'Lane Kollen'; 'Albert Yockey'; Roger.Hickman@bigrivers.com

Cc: briana@acespower.com; johnst@acespower.com; 'Joseph McLeer'

Subject: RE: Big Rivers Modeling Case 2012-00063

I am going to have to ask everyone's indulgence. Last night I was informed of a family commitment, which I want to attend, which is my child's grad school orientation that is also scheduled for Monday at 11 am. I am going to float another time, and after having spoken with Joe McLeer at Ventyx, this would actually be better for him as well. That would still be Monday June 4th, but at 5pm Eastern Time. Joe prefers this too as he could do it from the comfort of his hotel room (will be 6pm where he will be at).

I am hoping this will work for everyone and that Mike, you will be able to schedule the same call in number for that time. Please let me know if that time works for everyone, but for scheduling purposes, the most important people to be on the call are the ones that are able to discuss the technical issues.

Also, just to give everyone a heads up, we will need to have the ACES database in hand by Monday June 11 in order to begin working with Ventyx for installation of the software and database. We can discuss the logistics of getting that by then on the conference call. Or if that looks like it will present any issues, please respond to this email, as it would be better to start addressing that now.

Thanks,

Phil

000147

From: Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]
Sent: Wednesday, May 30, 2012 9:04 AM
To: 'Brenton Meese'; Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

Everyone.

Thank you for the response. It looks like Monday June 4 at 11:00 am Eastern is the best time. Please use the following call in number: 866-906-9888 pass 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@BKLLawfirm.com

From: Brenton Meese [<mailto:Brenton.Meese@ventyx.abb.com>]
Sent: Tuesday, May 29, 2012 9:11 PM
To: Jim Miller; Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: briana@acespower.com; johnst@acespower.com; Joseph McLeer
Subject: RE: Big Rivers Modeling Case 2012-00063

The Ventyx project manager, Joe McLeer, is very constrained next Monday as he will be at a client site in New Brunswick, Canada.

It is possible that Joe can attend if the call can take place at 11:00am Eastern or thereabouts. We would like to request that an (800) dial-in number be issued with the meeting notice. Please include him on any invitation. Thanks.

0001.18

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

VENTYX
an ABB company
www.ventyx.com

From: Jim Miller [<mailto:jmiller@smsmlaw.com>]
Sent: Tuesday, May 29, 2012 6:31 PM
To: Michael Kurtz; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: Brenton Meese; briana@acespower.com; johnst@acespower.com
Subject: RE: Big Rivers Modeling Case 2012-00063

All:

Big Rivers can participate in a call on Monday as requested by ACES.

Jim

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

From: Michael Kurtz [<mailto:MKurtz@bkllawfirm.com>]
Sent: Tue 5/29/2012 3:32 PM
To: Jim Miller; dbrown@stites.com; Hans, Jennifer (KYOAG); Howard, Dennis (KYOAG); Cook, Larry (KYOAG); joe@jchilderslaw.com; childerslaw@yahoo.com; kristin.henry@sierraclub.org; Nguyen, Quang D (PSC); Burns, Faith (PSC); Kurt Boehm; Tyson Kamuf; Lane Kollen; Philip Hayet; Albert Yockey; Roger.Hickman@bigrivers.com
Cc: 'Brenton.Meese@ventyx.abb.com'; 'briana@acespower.com'; 'johnst@acespower.com'
Subject: Big Rivers Modeling Case 2012-00063

Counsel,

After having explored the option of our going to ACES Power Marketing's ("ACES") office to make KIUC's production cost runs, we have now decided to obtain a PAR model license from Ventyx, and will make our own runs. This email is going to all parties involved in providing the software, data and results, including Big Rivers, Ventyx, and ACES Power Marketing,

Mr. Hayet is coordinating with Ventyx to acquire a license to access the same tools (EnerPrise database/Microsoft SQL) that ACES uses to run the PAR model. Mr. Hayet is aware this will require certain hardware and software requirements, which he will arrange for with Ventyx. Mr. Hayet will also work with Ventyx to install the software with the goal of being able to reproduce ACES' results on his own computer. In order to do that, Mr. Hayet understands from Ventyx, that early coordination between ACES, Ventyx, and

000149

me will be required.

We suggest that we arrange a conference call for tomorrow if at all possible, between Mr. Hayet, Ventyx, and ACES (and whoever else would be appropriate) to discuss the technical details to help smooth the way, and to minimize unnecessary delays. For example, one question that will have to be answered is whether ACES will provide a database containing just the Big Rivers data, or a large database with all of the companies that it models in it, including Big Rivers. This will be important for us to know what we will have to do to install the model. We are also aware that Ventyx would likely have other questions as well that will have to be answered.

We are targeting the week of June 11th to install the software, so we would like to work through all of the details prior to that.

We would like to have this call tomorrow or Thursday if at all possible so that we can clear Ventyx to proceed with the process and we can finalize the license. We would like to ask ACES, Ventyx, Mr. Hayet, and anyone else who wants to be on the call, to indicate times that you are not available on Wednesday and on Thursday, and we will find a time that will hopefully work for everyone.

Thank you for your assistance.

Mike

Michael L. Kurtz, Esq.
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Cincinnati, Ohio 45202
Ph: 513.421.2255 Fax: 513.421.2764
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000170