

SULLIVAN, MOUNTJOY, STAINBACK & MILLER PSC
ATTORNEYS AT LAW

Ronald M. Sullivan

Jesse T. Mountjoy

Frank Stainback

James M. Miller

Michael A. Fiorella

Allen W. Holbrook

R. Michael Sullivan

Bryan R. Reynolds*

Tyson A. Kamuf

Mark W. Starnes

C. Ellsworth Mountjoy

*Also Licensed in Indiana

February 14, 2013

Via Federal Express

Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard, P.O. Box 615
Frankfort, Kentucky 40602-0615

RECEIVED

FEB 15 2013

PUBLIC SERVICE
COMMISSION

Re: *In the Matter of: The Application of
Big Rivers Electric Corporation for a General
Adjustment in Rates*, PSC Case No. 2012-00535

Dear Mr. Derouen:

Enclosed for filing on behalf of Big Rivers Electric Corporation ("Big Rivers") are an original and ten copies of Big Rivers' updated responses to Tab 38 of its application and Items 43 and 54 of the Commission Staff's First Request for Information, and a petition for confidential treatment. I certify that on this date, a copy of the updated responses, a copy of the petition for confidential treatment, and a copy of this letter were served on each of the persons on the attached service list by either federal express or by first class mail, postage prepaid.

Sincerely,



Tyson Kamuf

TAK/ej
Enclosures

cc: Billie Richert
Service List

Telephone (270) 926-4000

Telecopier (270) 683-6694

100 St. Ann Building
PO Box 727
Owensboro, Kentucky
42302-0727

www.westkylaw.com

Service List
PSC Case No. 2012-00535

Jennifer Black Hans
Lawrence W. Cook
Dennis G. Howard, II
Assistant Attorneys General
1024 Capital Center Dr.
Suite 200
Frankfort, KY 40601

Mr. David Brevitz
3623 SW Woodvalley Terrace
Topeka, KS 66614

Mr. Bion C. Ostrander
1121 S.W. Chetopa Trail
Topeka, KS 66615

Mr. Larry Holloway
830 Romine Ridge
Osage City, KS 66523

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Boehm, Kurtz & Lowry
36 E. Seventh St., Suite 1510
Cincinnati, Ohio 45202

Lane Kollen
J. Kennedy and Associates, Inc.
570 Colonial Park Dr., Suite 305
Roswell, Georgia 30075

Russell L. Klepper
Energy Services Group, LLC
316 Maxwell Road, Suite 400
Alpharetta, Georgia 30009

David C. Brown, Esq.
Stites & Harbison, PLLC
400 W. Market Street, Suite 1800
Louisville, KY 40202

Donald P. Seberger, Esq.
Special Counsel
Rio Tinto Alcan
8770 West Bryn Mawr Avenue
Chicago, Illinois 60631

Gregory Starheim
President & CEO
Kenergy Corp.
6402 Old Corydon Road
P.O. Box 18
Henderson, Kentucky 42419-0018
J. Christopher Hopgood, Esq .
318 Second Street
Henderson, Kentucky 42420

Burns Mercer
Meade County RECC
1351 Hwy. 79
P.O. Box 489
Brandenburg, Kentucky 40108

Thomas C. Brite, Esq.
Brite & Hopkins, PLLC
83 Ballpark Road
P.O. Box 309
Hardinsburg, KY 40143-0309

G. Kelly Nuckols
President and CEO
Jackson Purchase Energy Corporation
2900 Irvin Cobb Drive
P.O. Box 4030
Paducah, KY 42002-4030

Melissa D. Yates
Denton & Keuler, LLP
555 Jefferson Street
Suite 301
Paducah, KY 42001

David O'Brien Suetholz
Neal B. Hayes
Kircher Suetholz & Grayson PSC
515 Park Avenue
Louisville, KY 40208

BIG RIVERS ELECTRIC CORPORATION

**APPLICATION OF BIG RIVERS ELECTRIC CORPORATION
FOR A GENERAL ADJUSTMENT IN RATES
CASE NO. 2012-00535**

VERIFICATION

I, Billie J. Richert, verify, state, and affirm that I prepared or supervised the preparation of the data responses filed with this Verification, and that those data responses are true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry.


Billie J. Richert

COMMONWEALTH OF KENTUCKY)
COUNTY OF HENDERSON)

SUBSCRIBED AND SWORN TO before me by Billie J. Richert on this
the 14 day of February, 2013.


Notary Public, Ky. State at Large
My Commission Expires _____


Notary Public, **Kentucky State-At-Large**
My Commission Expires: **July 3, 2014**
ID 421951

BIG RIVERS ELECTRIC CORPORATION

**APPLICATION OF BIG RIVERS ELECTRIC CORPORATION
FOR A GENERAL ADJUSTMENT IN RATES
CASE NO. 2012-00535**

VERIFICATION

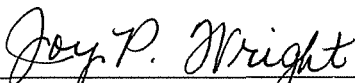
I, Travis A. Siewert, verify, state, and affirm that I prepared or supervised the preparation of the data responses filed with this Verification, and that those data responses are true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry.



Travis A. Siewert

COMMONWEALTH OF KENTUCKY)
COUNTY OF HENDERSON)

SUBSCRIBED AND SWORN TO before me by Travis A. Siewert on this
the 14 day of February, 2013.




Notary Public, Ky. State at Large
My Commission Expires _____

Notary Public, Kentucky State-At-Large
My Commission Expires: July 3, 2014
ID 421951

ORIGINAL



Your Touchstone Energy® Cooperative 

RECEIVED

FEB 15 2013

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

APPLICATION OF BIG RIVERS)
ELECTRIC CORPORATION FOR A) Case No. 2012-00535
GENERAL ADJUST IN RATES)

First Updated Responses to the Big Rivers Application
Tab 38 originally filed January 15, 2013

First Updated Responses to the Commission Staff's
Initial Request for Information dated December 21, 2012

FILED: February 15, 2013

ORIGINAL

Big Rivers Electric Corporation
Case No. 2012-00535
Forecasted Test Period Filing Requirements
(Forecast Test Year 12ME 08/31/2014; Base Period 12ME 04/30/2013)

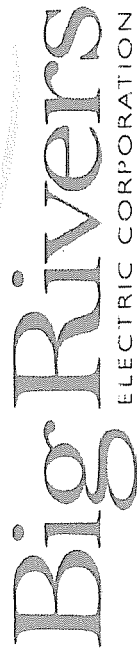
1 **Tab No. 38 – January 15, 2013**
2 **First Update Tab No. 38 – February 15, 2013**
3 **Filing Requirement**
4 **807 KAR 5:001 Section 10(9)(o)**
5 **Sponsoring Witness: Ms. Billie J. Richert**
6


7 **Description of Filing Requirement:**
8

9 *Complete monthly budget variance reports, with narrative*
10 *explanations, for the twelve (12) months prior to the base*
11 *period, each month of the base period, and any subsequent*
12 *months, as they become available.*

13
14 **Response:**
15

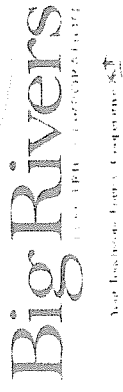
16 Attached hereto is the monthly variance report for November
17 2012. With its application filed on January 15, 2013, Big
18 Rivers provided monthly variance reports, with narrative
19 explanations, for May 2011 through October 2012.
20
21



Your Touchstone Energy Cooperative 

Financial Report **November 2012** **(\$ in Thousands)**

Board Meeting Date: January 18, 2013



Summary of Statement of Operations
YTD - November

	2012		2011		
	Actual	Budget	Fav/(UnFav) Variance	Actual	Fav/(UnFav) Variance
Revenues	520,055	563,846	(43,791)	514,198	5,857
Cost of Electric Service	508,838	562,626	53,788	507,582	(1,256)
Operating Margins	11,217	1,220	9,997	6,616	4,601
Interest Income/Other	808	91	717	258	550
Net Margins - YTD	12,025	1,311	10,714	6,874	5,151

Statement of Operations – November

Variance to Budget

	Current Month		Year-to-Date		Variance Fav/(UnFav)	Explanation
	Actual	Budget	Actual	Budget		
ELECTRIC ENERGY REVENUES	50,276	45,309	515,459	560,166	(44,709) [A] Pages 7, 9-13, 16-21	
OTHER OPERATING REVENUE AND INCOME	328	334	4,596	3,678	918 [B], [C] Page 22	
TOTAL OPER REVENUES & PATRONAGE CAPITAL	50,604	45,643	520,055	563,846	(43,791)	
OPERATION EXPENSE-PRODUCTION-EXCL FUEL	4,037	4,257	44,111	50,420	6,309 [A] Pages 8, 14-15, 23	
OPERATION EXPENSE-PRODUCTION-FUEL	21,116	17,939	205,120	217,462	12,342 [A] Pages 8, 14-15	
OPERATION EXPENSE-OTHER POWER SUPPLY	7,679	8,555	102,820	117,973	15,153 [A] Pages 8, 14-15, 23	
OPERATION EXPENSE-TRANSMISSION	818	825	9,084	9,818	734 [C] Page 24	
OPERATION EXPENSE-RT/ISO	215	184	2,069	2,243	174	
CONSUMER SERVICE & INFORMATIONAL EXPENSE	143	58	631	672	41	
OPERATION EXPENSE-SALES	5	72	146	1,029	883 [B] Page 25	
OPERATION EXPENSE-ADMINISTRATIVE & GENERAL	2,098	1,867	23,807	23,960	153	
TOTAL OPERATION EXPENSE	36,111	33,757	387,788	423,577	35,789	
MAINTENANCE EXPENSE-PRODUCTION	3,252	4,468	37,885	56,251	18,366 [B], [C] Page 26	
MAINTENANCE EXPENSE-TRANSMISSION	237	280	4,306	3,628	(678) [B] Page 27	
MAINTENANCE EXPENSE-GENERAL PLANT	11	8	153	94	(59)	
TOTAL MAINTENANCE EXPENSE	3,500	4,756	42,344	59,973	17,629	
DEPRECIATION & AMORTIZATION EXPENSE	3,417	3,539	37,665	38,363	698	
TAXES	0	0	4	0	(4)	
INTEREST ON LONG-TERM DEBT	3,706	3,667	41,234	40,908	(326)	
INTEREST CHARGED TO CONSTRUCTION-CREDIT	(73)	(88)	(722)	(569)	153	
OTHER INTEREST EXPENSE	45	0	101	0	(101)	
OTHER DEDUCTIONS	167	43	424	374	(50)	
TOTAL COST OF ELECTRIC SERVICE	46,873	45,674	508,838	562,626	53,788	
OPERATING MARGINS	3,731	(31)	11,217	1,220	9,997	
INTEREST INCOME	172	4	750	58	692 [B] Page 29	
ALLOWANCE FOR FUNDS USED DURING CONST	0	0	0	0	0	
OTHER NON-OPERATING INCOME - NET	0	0	0	0	0	
OTHER CAPITAL CREDITS & PAT DIVIDENDS	0	0	58	33	25	
EXTRAORDINARY ITEMS	0	0	0	0	0	
NET PATRONAGE CAPITAL OR MARGINS	3,903	(27)	12,025	1,311	10,714	

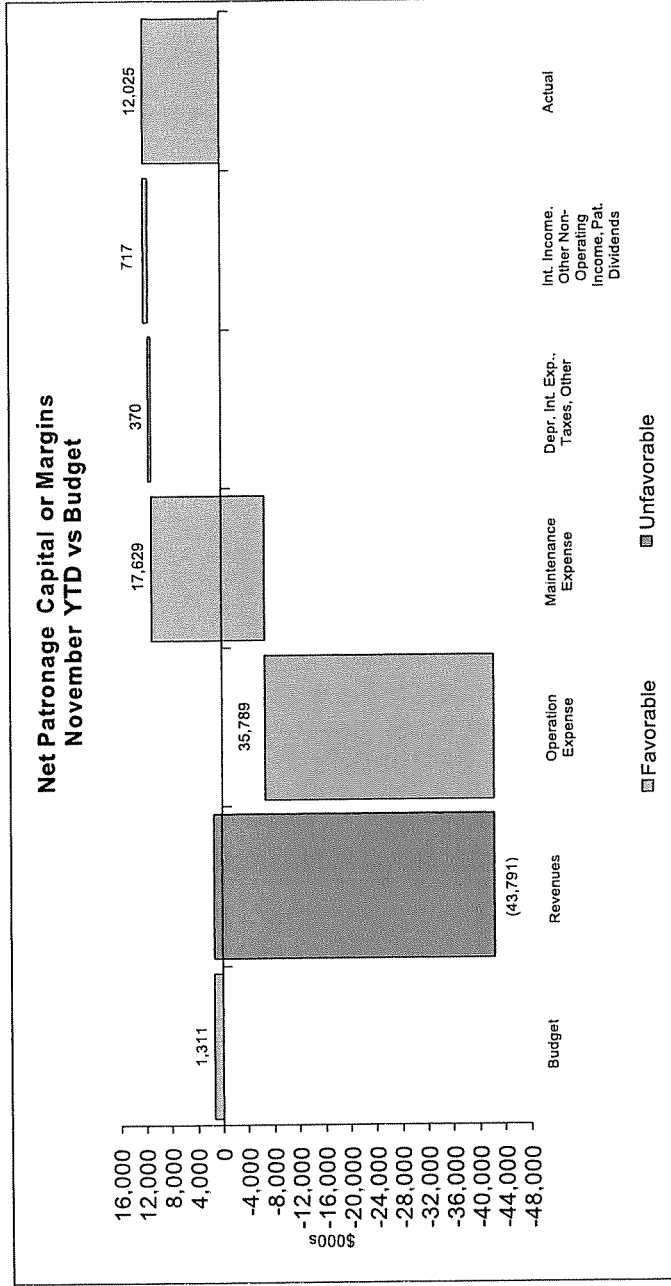
YTD Explanations: [A] Net Sales Margin, [B] 10% of line item and \$250,000 or [C] 10% of margins and \$500,000.

Statement of Operations – November Variance to Prior-Year

	Current Month			Year-to-Date			Variance Fav/(UnFav)	Explanation
	Actual	Prior Year	Variance Fav/(UnFav)	Actual	Prior Year	Variance Fav/(UnFav)		
ELECTRIC ENERGY REVENUES	50,276	43,974	6,302	515,459	510,961	4,498	[A] Pages 7, 9-13, 16-21	
OTHER OPERATING REVENUE AND INCOME	328	255	73	4,596	3,237	1,359	[B], [C] Page 22	
TOTAL OPER REVENUES & PATRONAGE CAPITAL	50,604	44,229	6,375	520,055	514,198	5,857		
OPERATION EXPENSE-PRODUCTION-EXCL FUEL	4,037	4,203	166	44,111	45,737	1,626	[A] Pages 8, 14-15, 23	
OPERATION EXPENSE-PRODUCTION-FUEL	21,116	16,393	(4,723)	205,120	207,155	2,035	[A] Pages 8, 14-15	
OPERATION EXPENSE-OTHER POWER SUPPLY	7,679	10,390	2,711	102,820	102,533	(287)	[A] Pages 8, 14-15, 23	
OPERATION EXPENSE-TRANSMISSION	818	704	(114)	9,084	8,342	(742)	[C] Page 24	
OPERATION EXPENSE-RT/ISO	215	262	47	2,069	2,318	249		
CONSUMER SERVICE & INFORMATIONAL EXPENSE	143	67	(76)	631	438	(193)		
OPERATION EXPENSE-SALES	5	11	6	146	141	(5)		
OPERATION EXPENSE-ADMINISTRATIVE & GENERAL	2,098	1,832	(266)	23,807	23,703	(104)		
TOTAL OPERATION EXPENSE	36,111	33,862	(2,249)	387,788	390,367	2,579		
MAINTENANCE EXPENSE-PRODUCTION	3,252	5,780	2,528	37,885	39,002	1,117	[C] Page 26	
MAINTENANCE EXPENSE-TRANSMISSION	237	333	96	4,306	4,117	(189)		
MAINTENANCE EXPENSE-GENERAL PLANT	11	16	5	153	134	(19)		
TOTAL MAINTENANCE EXPENSE	3,500	6,129	2,629	42,344	43,253	909		
DEPRECIATION & AMORTIZATION EXPENSE	3,417	3,282	(135)	37,665	32,155	(5,510)	[B], [C] Page 28	
TAXES	0	0	0	4	128	124		
INTEREST ON LONG-TERM DEBT	3,706	3,680	(26)	41,234	41,926	692	[C] Page 29	
INTEREST CHARGED TO CONSTRUCTION-CREDIT	(73)	(32)	41	(722)	(508)	214		
OTHER INTEREST EXPENSE	45	0	(45)	101	59	(42)		
OTHER DEDUCTIONS	167	30	(137)	424	202	(222)		
TOTAL COST OF ELECTRIC SERVICE	46,873	46,951	78	508,838	507,582	(1,256)		
OPERATING MARGINS	3,731	(2,722)	6,453	11,217	6,616	4,601		
INTEREST INCOME	172	6	166	750	144	606	[B] Page 30	
ALLOWANCE FOR FUNDS USED DURING CONST	0	0	0	0	0	0		
OTHER NON-OPERATING INCOME - NET	0	0	0	0	9	(9)		
OTHER CAPITAL CREDITS & PAT DIVIDENDS	0	0	0	58	105	(47)		
EXTRAORDINARY ITEMS	0	0	0	0	0	0		
NET PATRONAGE CAPITAL OR MARGINS	3,903	(2,716)	6,619	12,025	6,874	5,151		

YTD Explanations: [A] Net Sales Margin, [B] 10% of line item and \$250,000 or [C] 10% of margins and \$500,000.

Variance Analysis Summary

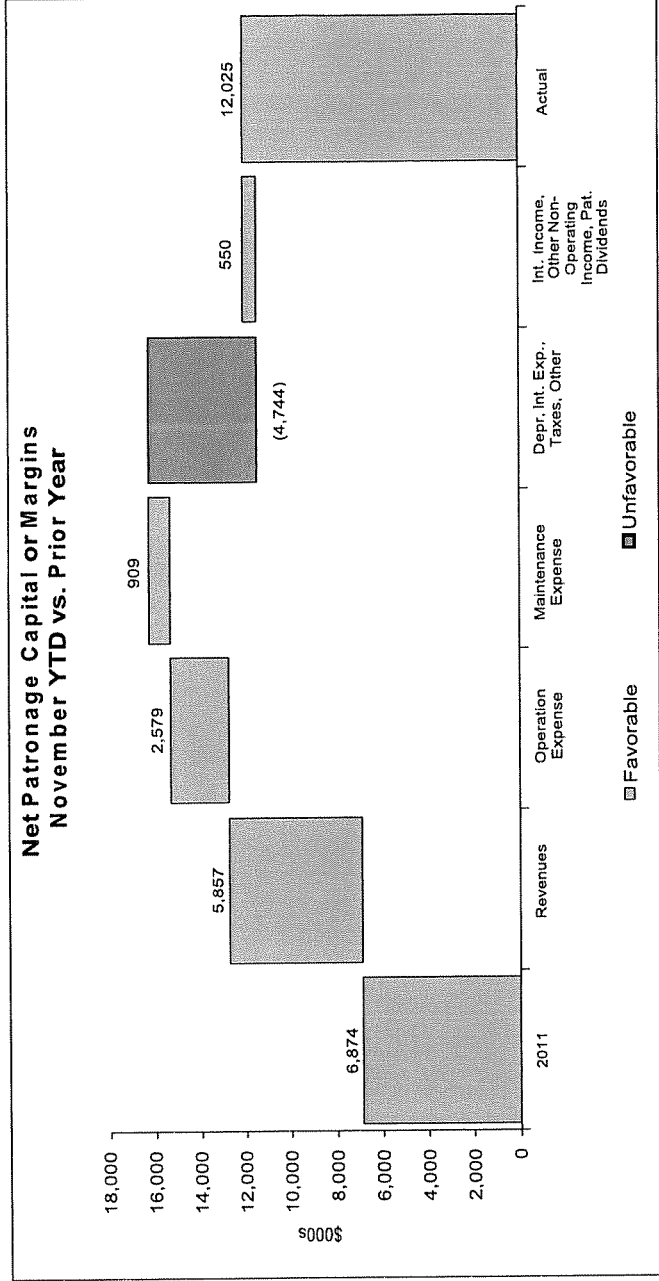


Financial Commentary

Year-to-Date

- November YTD 2012 Margins were \$10,714 favorable to budget.
- Revenues were unfavorable \$43,791 primarily due to lower off-system price & volume along with lower rural volume and lower rates for all customers (see page 7).
- Operation Expense was favorable \$35,789 – driven by lower variable costs \$30,356 primarily due to lower pricing (see page 8). The remainder of the variance is made up of favorable plant and fixed departmental expenses (see pages 23-25).
- Maintenance Expense was favorable \$17,629 primarily due to the scope reduction of the Wilson planned outage, cancellation of the Green 2 planned outage, cancellation of the planned outage on the combustion turbine and cancellation of the Coleman 1 & 3 planned outages to offset the lower power market (see pages 26-27).
- Interest Income/Other is favorable \$717 primarily due to the interest income on the capital term certificates that were part of the financing that took place earlier this year (see page 30).

Variance Analysis Summary



Financial Commentary

Year-to-Date

- November YTD 2012 margins were \$5,151 favorable to 2011.
 - Revenues were favorable \$5,857 primarily due to the 9/1/2011 rate increase, a higher smelter TIER Adjustment Charge (\$2.95/MWh vs \$1.95/MWh in 2011) and higher transmission revenue, mostly offset by lower off-system price and volumes (see pages 7 & 22).
 - Operation Expense was favorable \$2,579 – driven by lower variable costs \$6,682, due to volume, partially offset by higher expenses associated with Station-Two and higher Fixed Departmental Expenses (see pages 8 & 23).
 - Maintenance Expense was favorable \$909 due to reduced spending this year to offset the lower off-system market (see page 26).
 - Depreciation, Interest Expense, Taxes & Other combined were higher \$4,744 due to higher depreciation expense, partially offset by lower interest expense (see pages 28-29).
 - Interest income was favorable due to the interest income on the capital term certificates (see page 30).

Revenue YTD November

	Actual 2012	Budget 2012	Variance	Actual 2011	Variance
MWh Sales					
Rural	2,115,337	2,135,624	(20,287)	2,158,327	(42,990)
Large Industrial	883,437	881,390	2,047	896,508	(13,071)
Smelter	6,790,125	6,697,320	92,805	6,231,233	558,892
Off-System/Other					
Total					
Revenue - \$/MWh					
Rural	50.79	53.28	(2.49)	46.84	3.95
Large Industrial	43.15	45.88	(2.73)	41.57	1.58
Smelter	48.81	51.89	(3.08)	44.29	4.52
Off-System/Other					
Total					
Revenue - Thousands of \$					
Rural	107,438	113,793	(6,355)	101,104	6,334
Large Industrial	38,117	40,436	(2,319)	37,272	845
Smelter	331,415	347,502	(16,087)	275,951	55,464
Off-System/Other					
Total					

Revenue Price / Volume Analysis November 2012

	Price / Volume		
	Price	Volume	Total
Rural	(5,274)	(1,081)	(6,355)
Large Industrial	(2,413)	94	(2,319)
Smelter	(20,902)	4,815	(16,087)
Off-System/Other			

Variable Operations Cost
YTD November

	Actual 2012	Budget 2012	Variance	Actual 2011	2011 Variance
Variable Operations (VO) Cost - \$/MWh					
Rural					
Large Industrial					
Smelter					
Off-System/Other					
Total					
VO Cost - Thousands of \$					
Rural					
Large Industrial					
Smelter					
Off-System/Other					
Total					

YTD November 2012
Variable Operations Expense

	Actual	Budget	Fav/(UnFav)	Price Variance Fav/(UnFav)	Volume Variance Fav/(UnFav)	Fav/(UnFav)
Reagent						
Fuel						
Purchased Power						
Non-FAC PPA (Non-Smelter)						

**Net Sales Margin
 YTD November**

	Actual 2012	Budget 2012	Variance	Actual 2011	2011 Variance
Net Sales Margin - \$/MWh					
Rural					
Large Industrial					
Smelter					
Off-System/Other					
Total					
Net Sales Margin - Thousands of \$					
Rural					
Large Industrial					
Smelter					
Off-System/Other					
Total					

**Net Sales Margin
 Price / Volume Analysis
 November 2012**

Price / Volume

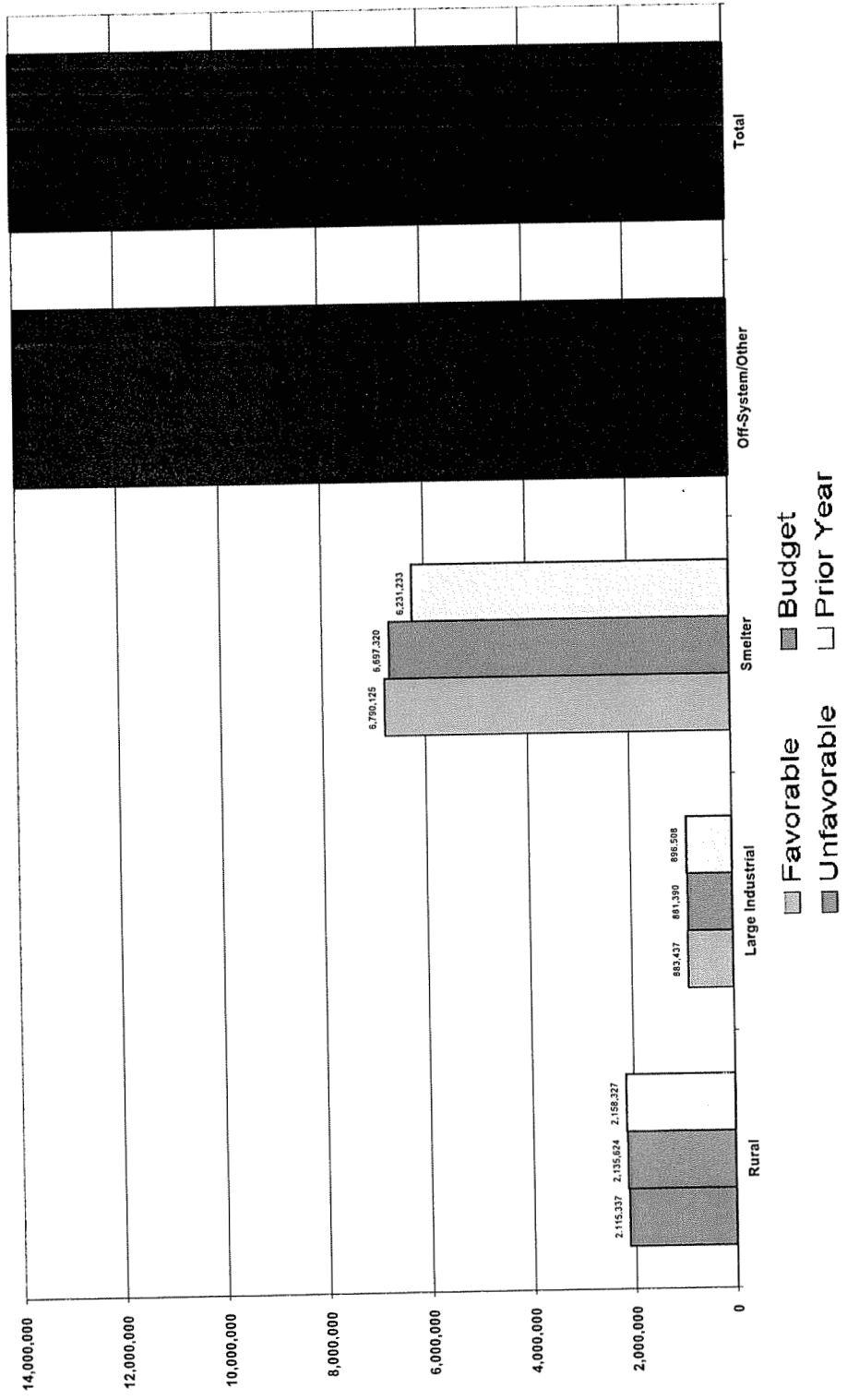
Rural	
Large Industrial	
Smelter	
Off-System/Other	

Member Rate Stability Mechanism
YTD November

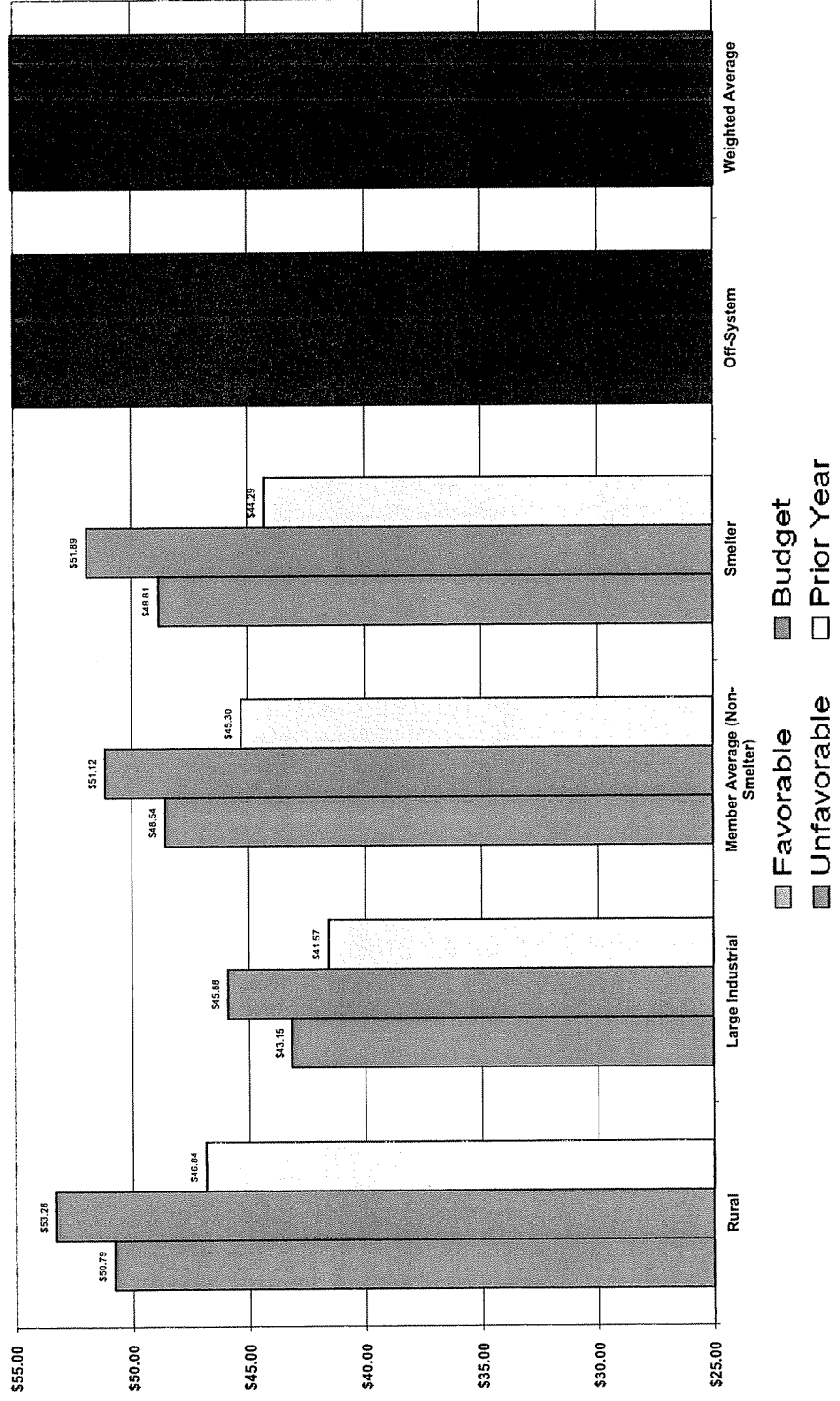
	<u>Actual</u> <u>2012</u>	<u>Budget</u> <u>2012</u>	<u>Variance</u> <u>2012</u>	<u>Actual</u> <u>2011</u>	<u>Variance</u> <u>2011</u>	<u>Actual</u> <u>2012</u>	<u>Budget</u> <u>2012</u>	<u>Variance</u> <u>2012</u>	<u>Actual</u> <u>2011</u>	<u>Variance</u> <u>2011</u>	
<u>MRSM - \$/MWh</u>						<u>Net Revenue - \$/MWh</u>					
Rural	(6.22)	(8.78)	2.56	(6.67)	0.45	44.57	44.50	0.07	40.17	4.40	
Large Industrial	(6.22)	(8.78)	2.56	(6.67)	0.45	36.93	37.10	(0.17)	34.90	2.03	
Total	(6.22)	(8.78)	2.56	(6.67)	0.45	42.32	42.34	(0.02)	38.63	3.69	
<u>MRSM - Thousands of \$</u>						<u>Net Revenue - Thousands of \$</u>					
Rural	(13,156)	(18,820)	5,664	(14,383)	1,227	94,282	94,973	(691)	86,721	7,561	
Large Industrial	(5,502)	(7,659)	2,157	(5,979)	477	32,615	32,777	(162)	31,293	1,322	
Total	(18,658)	(26,479)	7,821	(20,362)	1,704	126,897	127,750	(853)	118,014	8,883	

<u>Economic Reserve Balance</u>			
<u>Cumulative-to-Date</u>	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>
Original Deposit	\$ 157,000		
Interest Earnings	3,173		
Withdrawals	(77,979)		
Ending Balance 11/30/2012	\$ 82,194	\$ 74,628	\$ 7,566
<u>YTD November 2012</u>			
Beg. Balance 1/1/2012	\$ 100,601		
Interest Earnings	409		
Withdrawals	(18,816)		
Ending Balance 11/30/2012	\$ 82,194	\$ 74,628	\$ 7,566

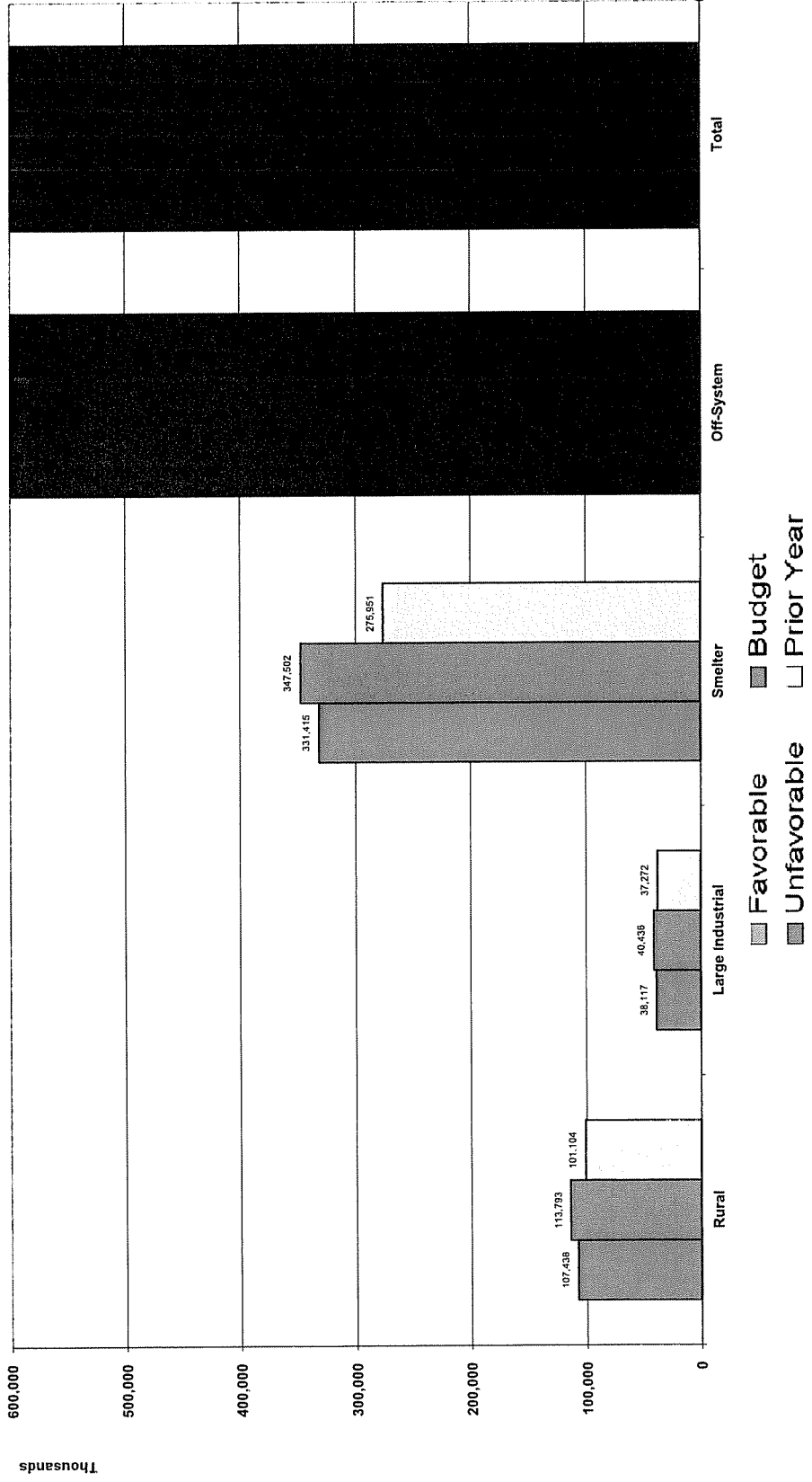
MWH Sales YTD - November



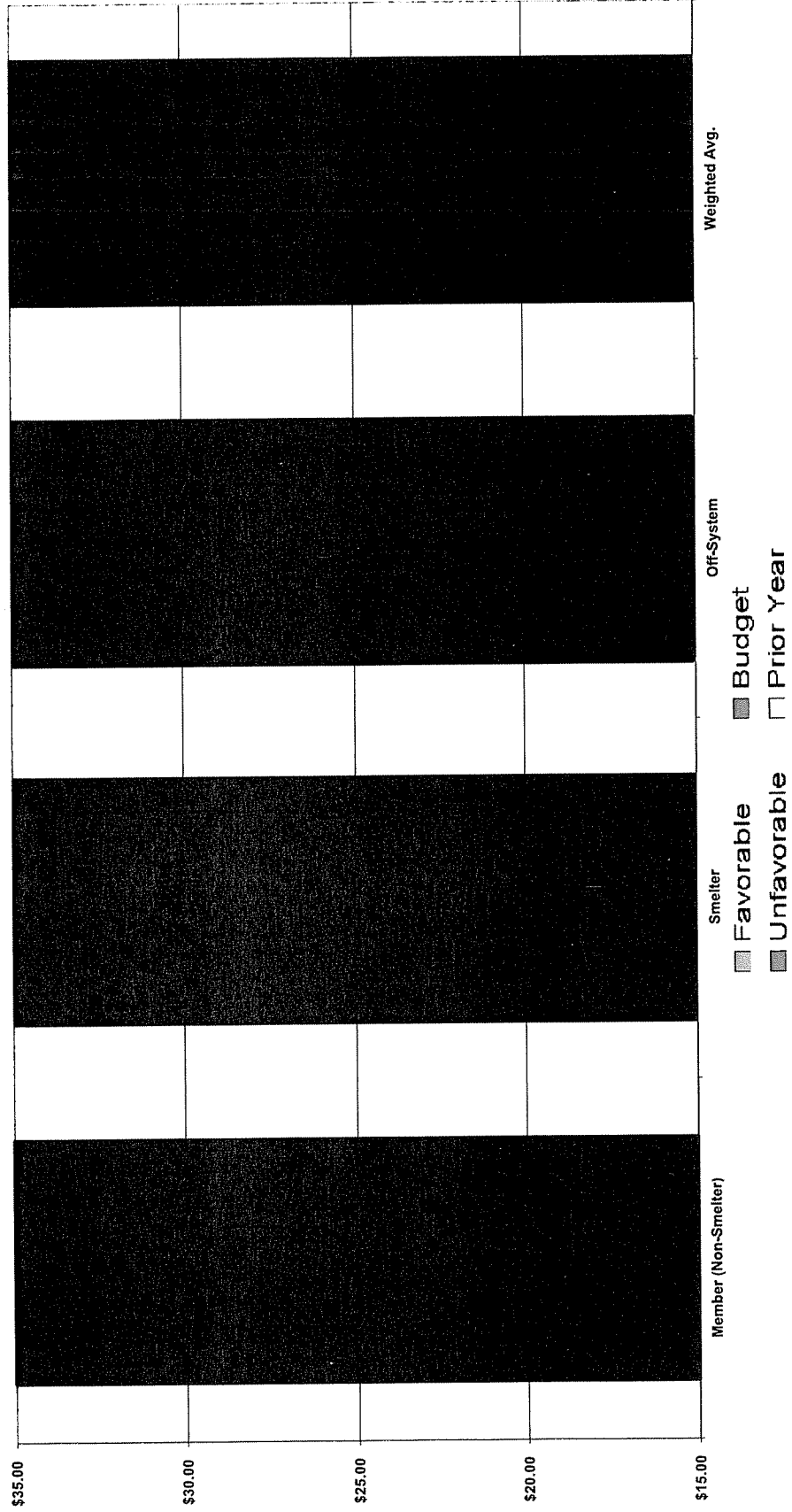
Revenue - \$/MWh Sold YTD - November



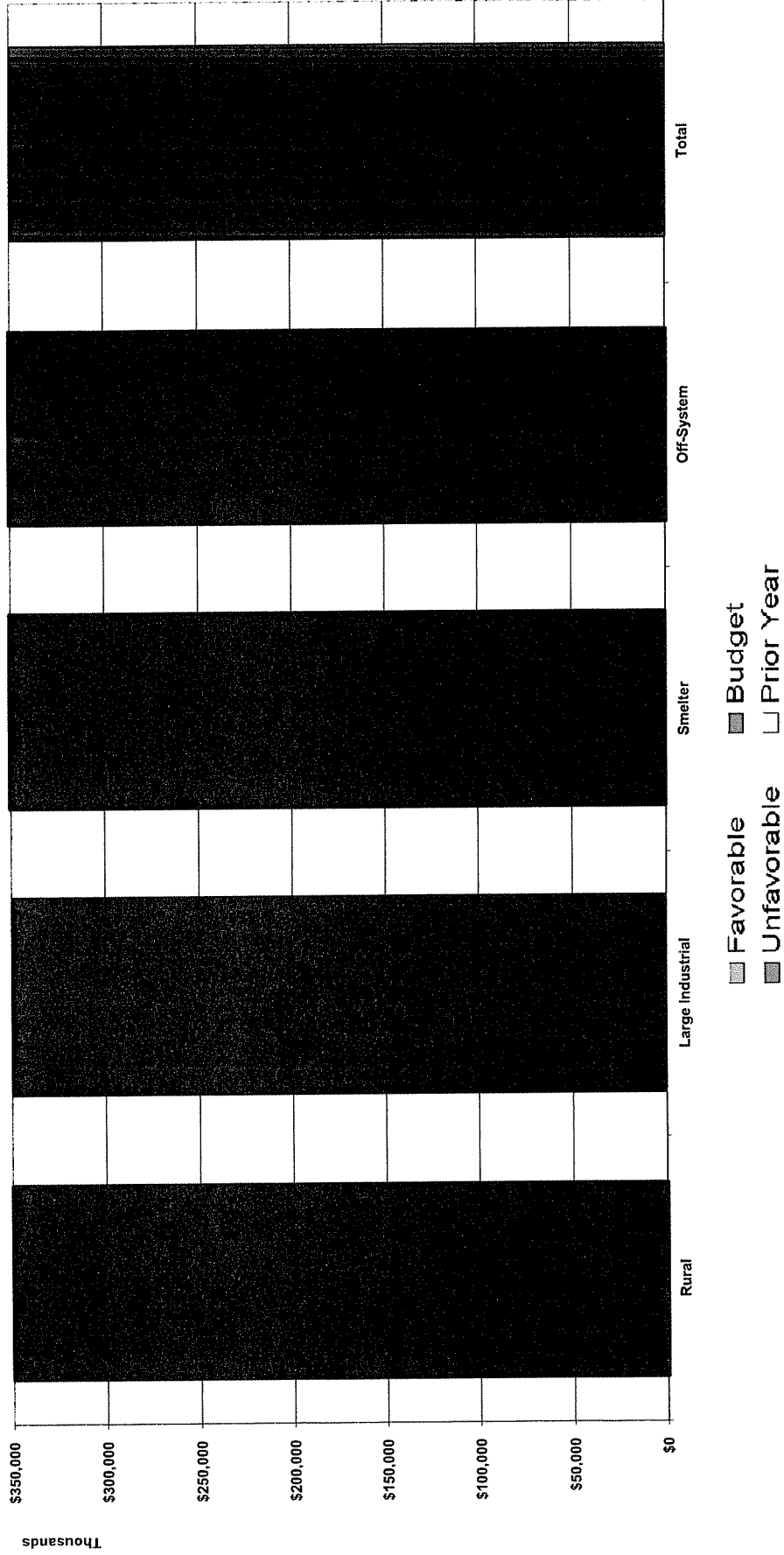
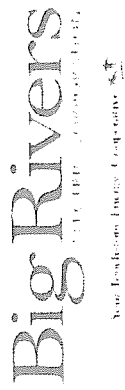
Revenue YTD - November



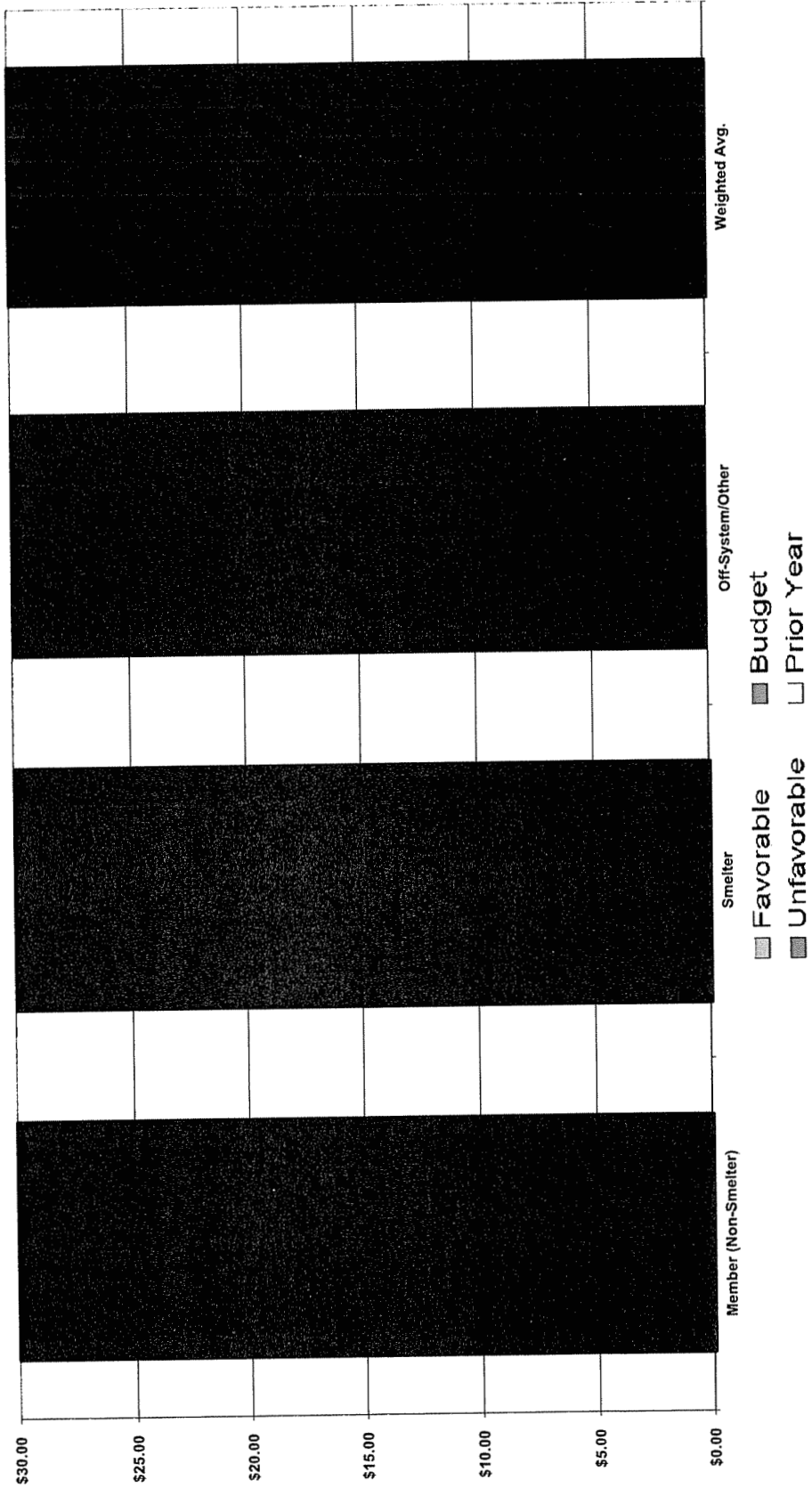
Variable Operations - \$/MWh Sold YTD - November



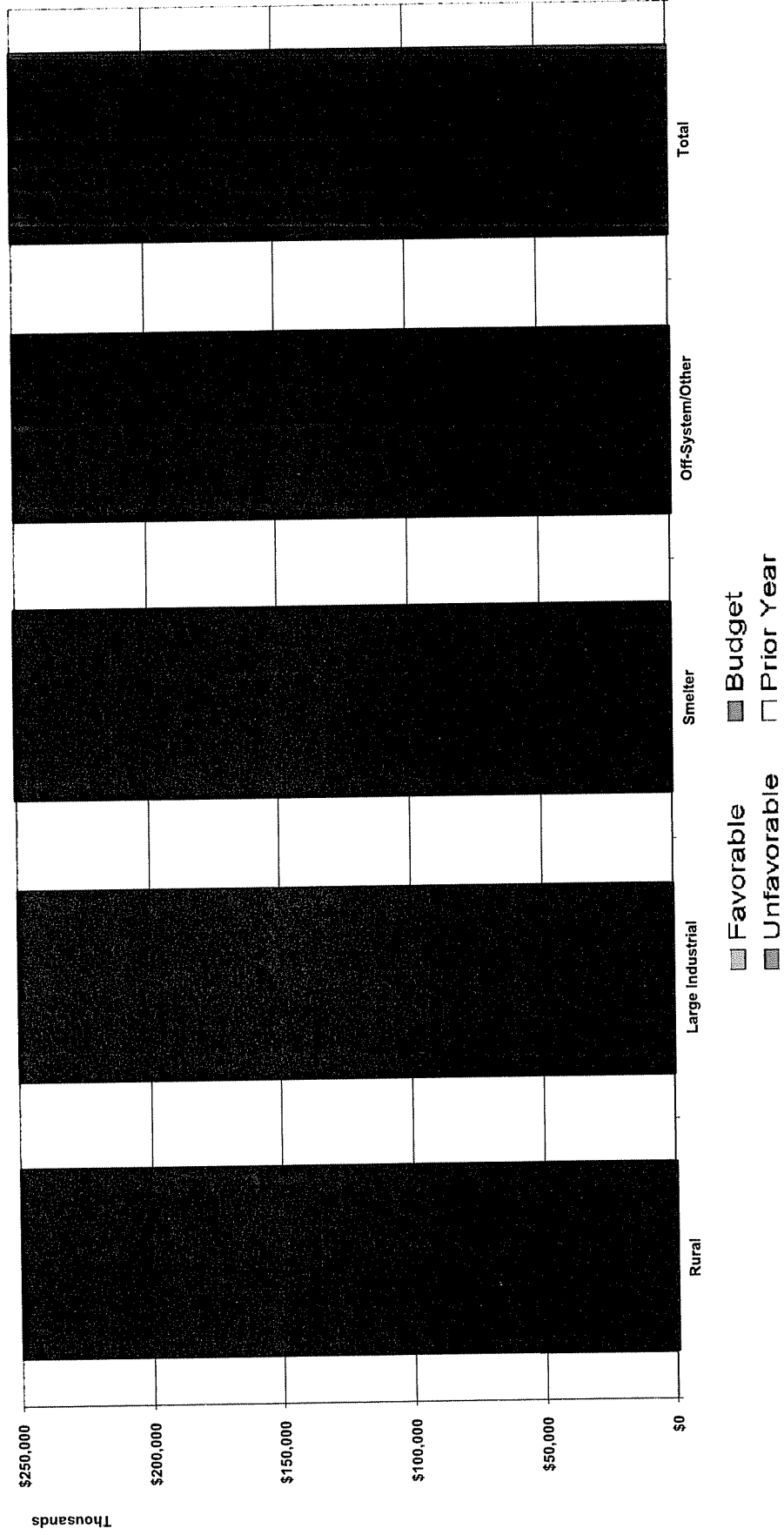
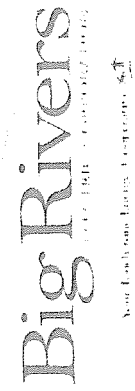
Variable Operations Cost YTD - November



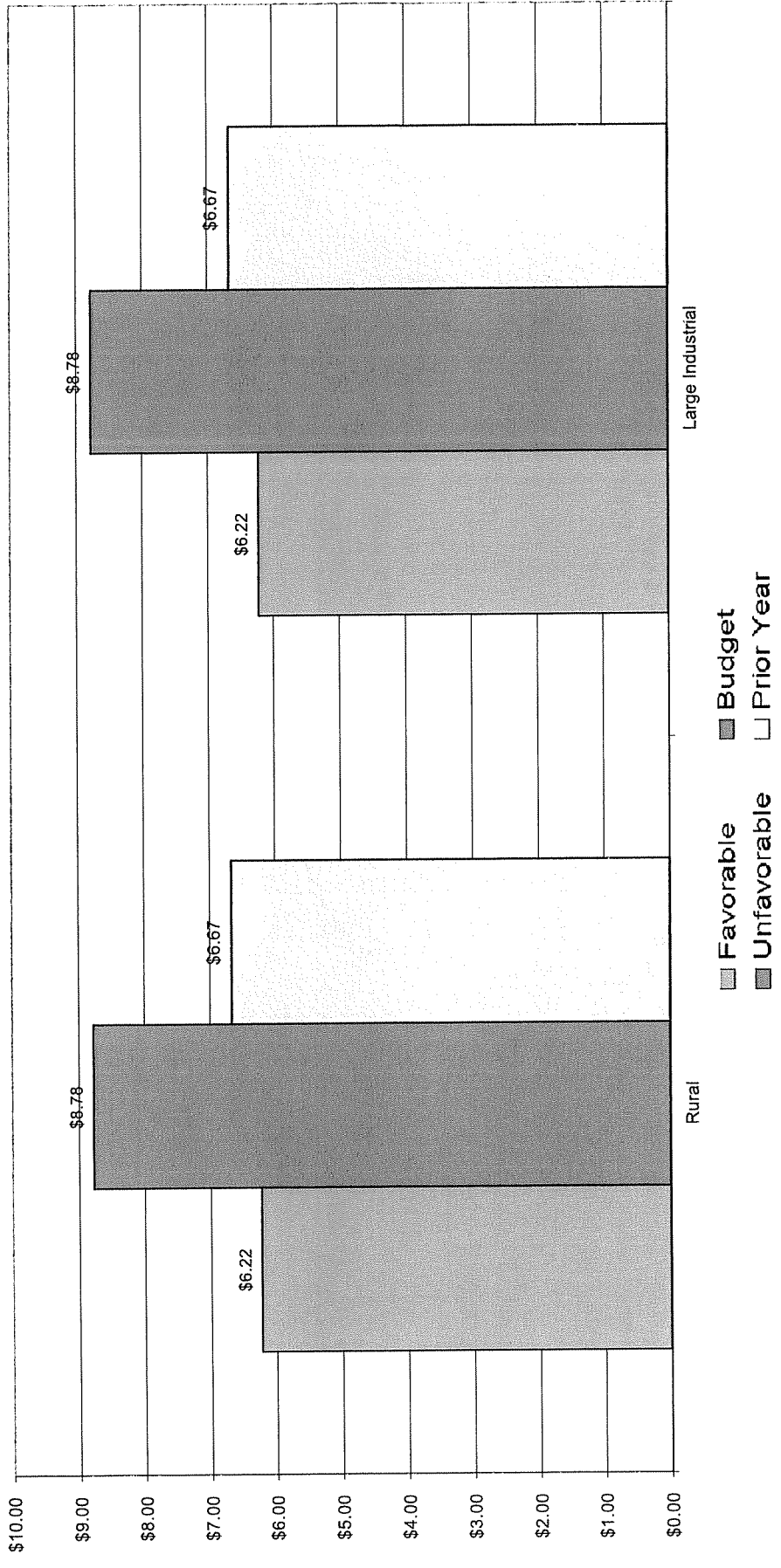
Net Sales Margin - \$/MWh YTD – November



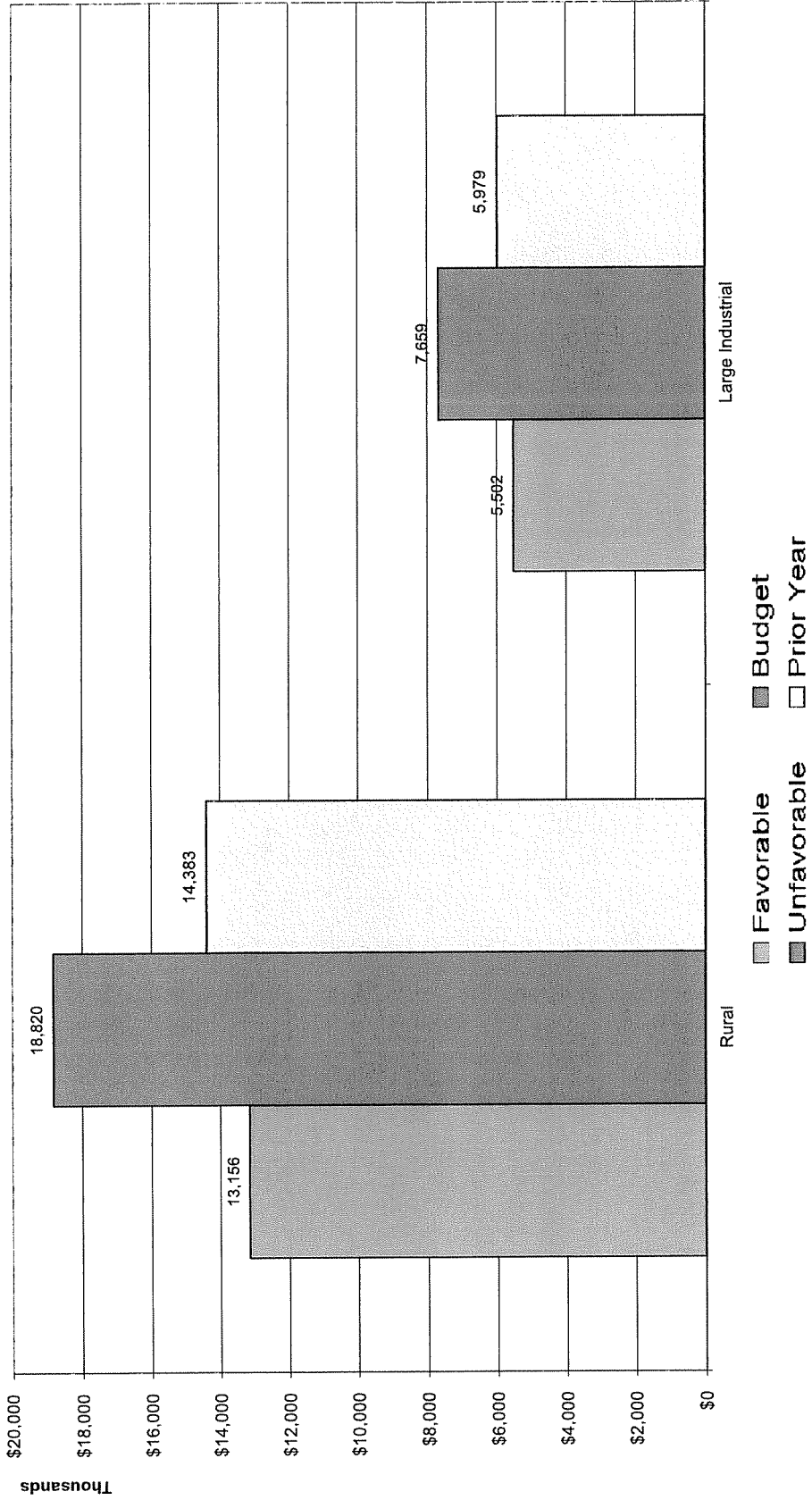
Net Sales Margin YTD – November



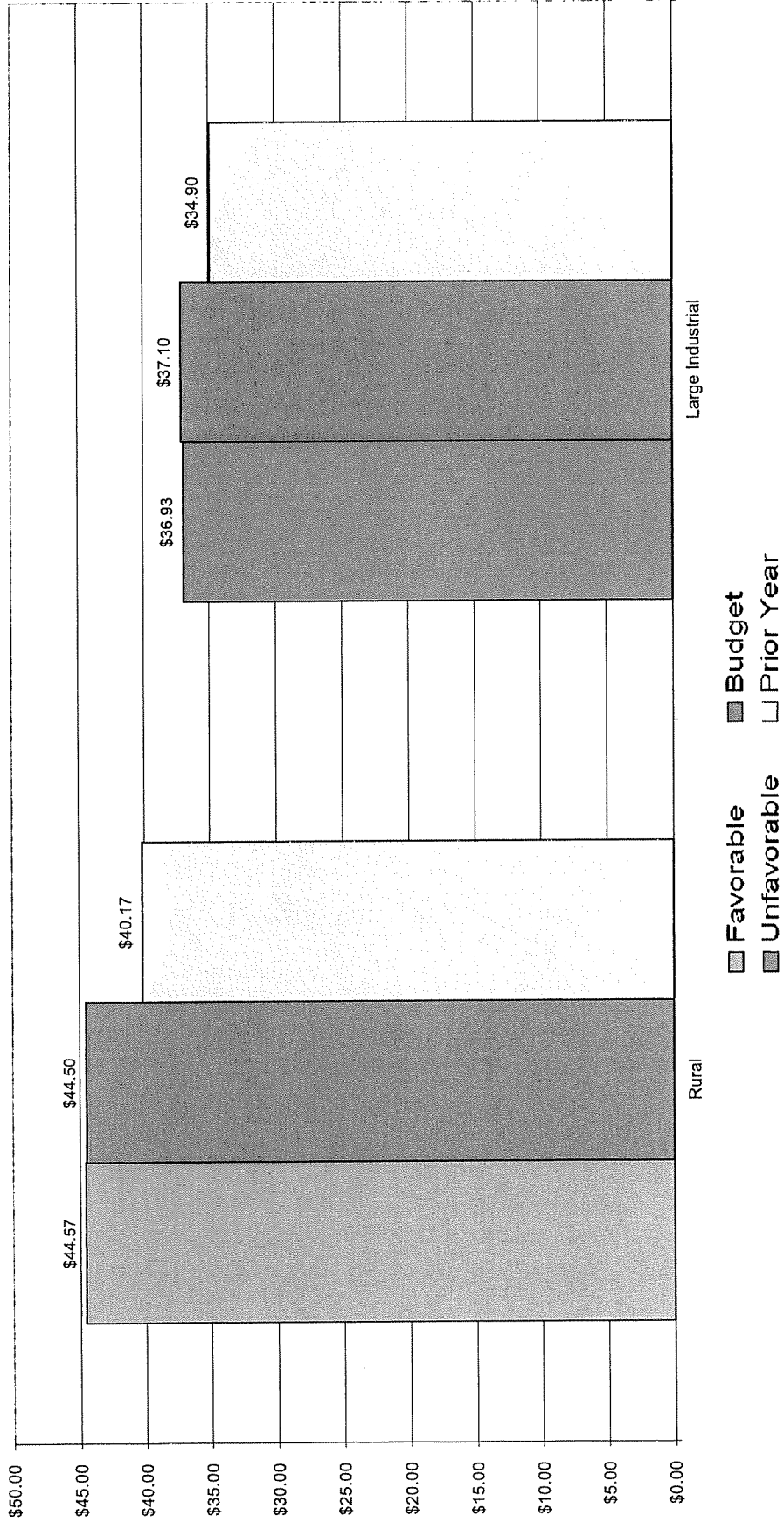
MRSM - \$/MWh YTD - November



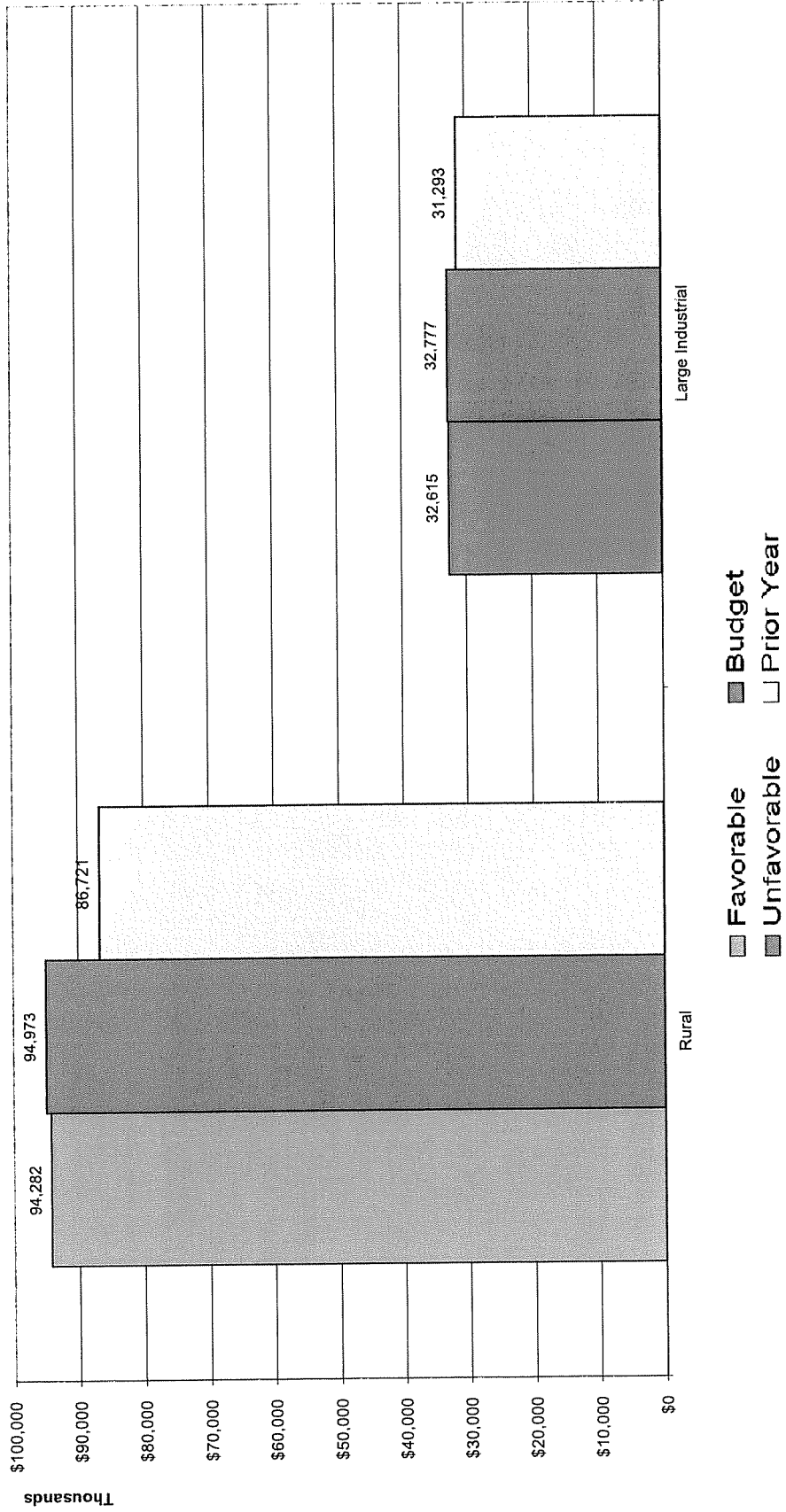
MRSM
YTD - November



Net Revenue (Excl. MRSM) - \$/MWh YTD - November



Net Revenue (Excl. MRSM) YTD - November



Other Operating Revenue and Income

2012		2011	
<u>Actual</u>	<u>Budget</u>	<u>2011 Actual</u>	<u>Variance Fav/(Unfav)</u>
4,596	3,678	3,237	1,359

November YTD

The favorable current and prior-year variance is due to higher transmission revenue this year.

**Non-Variable Production and
 Other Power Supply – Operations**

	<u>Variance</u>	<u>2011</u>	<u>Variance</u>
	<u>Budget Fav/(Unfav)</u>	<u>Actual</u>	<u>Fav/(Unfav)</u>
	3,448		(3,308)

November YTD

Current Year Variances

Power Supply transmission reservation	643	<u>Fav/(UnFav)</u>
Station II & Plant Operations reductions (Labor & Non-labor)	3,355	
Depreciation/Other	(550)	
	3,448	

Prior-Year Variances

Power Supply transmission reservation	(74)	<u>Fav/(UnFav)</u>
Station-Two O&M [driven by higher outage & labor expense in 2012]	(1,824)	
Station-Two [higher depreciation expense]	(1,149)	
Other	(261)	
	(3,308)	

Operation Expense – Transmission

2012		Variance
<u>Actual</u>	<u>Budget</u>	<u>Fav/(Unfav)</u>
9,084	9,818	734

November YTD

Favorable to budget as a larger percentage of labor is being charged to maintenance accounts than was budgeted (see page 27).

Operation Expense – Sales

2012	
<u>Actual</u>	<u>Budget Fav/(Unfav)</u>
146	1,029
Variance	
	883

November YTD

Favorable to budget due to delay in the start of the energy efficiency/demand side management programs.

Maintenance Expense – Production

2012		2011	
<u>Actual</u>	<u>Budget</u>	<u>2011 Actual</u>	<u>Variance Fav/(Unfav)</u>
	18,366		1,117

November YTD

The favorable YTD variance vs. budget is due to scope reduction of planned outages to offset the lower power market. The Green facility is favorable due to the cancellation of the unit 2 planned outage. The Coleman station is also favorable due to the cancellation of the unit 1 and unit 3 outages. The planned outage on the gas turbine was also cancelled. The planned outage at the Wilson facility was reduced in scope.

The favorable variance to prior-year is driven by the reduced spending this year to offset the lower power market.

Maintenance Expense – Transmission

2012		Variance
<u>Actual</u>	<u>Budget</u>	<u>Fav/(Unfav)</u>
4,306	3,628	(678)

November YTD

Unfavorable to budget primarily due to higher labor expense in the maintenance accounts. This is partially offset in Operation Expense – Transmission as a larger percentage of labor is being charged to maintenance accounts than was budgeted (see page 24).

Depreciation & Amortization Expense

2012	2011	Variance
<u>Actual</u>	<u>Actual</u>	<u>Fav/(Unfav)</u>
37,665	32,155	(5,510)

November YTD

Unfavorable to prior-year due to the higher depreciation rates that are in effect as a result of the 2010 depreciation study and a higher plant in service balance being depreciated.

Interest on Long-Term Debt

2012	2011	Variance
<u>Actual</u>	<u>Actual</u>	<u>Fav/(Unfav)</u>
41,234	41,926	692

November YTD

Interest on long-term debt is lower than prior-year due to using funds from the \$35m Transition Reserve to prepay the RUS Series A Note.

Interest Income

2012		2011	
<u>Actual</u>	<u>Budget</u>	<u>2011 Actual</u>	<u>Variance Fav/(Unfav)</u>
750	58	144	606

November YTD

Favorable to budget and prior-year due to the interest income on the capital term certificates that were part of the financing that took place earlier this year.

North Star – YTD November

	2012			2011		
	Actual	Budget	Fav/(UnFav) Variance	Actual	Fav/(UnFav) Variance	Fav/(UnFav) Variance
Total Cost of Electric Service			53,788			(1,256)
Other Operating Revenues & Income	(4,596)	(3,678)	918	(3,237)		1,359
Smelter Avoidable Base Charge	(358)	0	358	(2,792)		(2,434)
Off-System Sales/Other						
Interest Income	(750)	(58)	692	(144)		606
Other Non-Operating Income	0	0	0	(9)		(9)
Other Capital Credits & Pat. Dividends	(58)	(33)	25	(105)		(47)
			35,833			(59,926)

Member MWh	9,788,899	9,714,334	74,565	9,286,069	502,830
------------	-----------	-----------	--------	-----------	---------

North Star - \$/kWh

TIER

	<u>Actual</u>	<u>Budget</u>	<u>Fav/(Unfav)</u>
Interest on Long-Term Debt	41,234	40,908	(326)
Net Margins			
TIER - YTD November			
TIER (12 months ending 11/30)			

Notes:

TIER = (Net Margins + Interest on Long-Term Debt) divided by Interest on Long-Term Debt

Capital Expenditures*

	Year-to-Date		
	Actual	Budget	Fav/(UnFav)
IT	1,421	2,116	695
Generation	28,349	54,457	26,108
Transmission	7,330	11,390	4,060
Other	1,132	14,914	13,782
Total	38,232	82,877	44,645

Explanation:

IT was favorable \$695 largely due to the favorability of the Oracle Extensions project.

Generation was favorable by \$26,108. Coleman Station was favorable \$13,640 due to the C1 and C3 outage deferrals. Wilson Station was favorable \$7,893 primarily due to outage scope reductions/deferrals. Green Station was favorable by \$4,302 due to the G2 outage deferral, as well as the reduction of the FGD project and cancellation of the Coal Sampler project. Station-Two was favorable \$273 due to favorability of the H1 Burner Replacement project.

Transmission was favorable \$4,060 primarily due to deferral of the White Oak Substation project.

Other was favorable \$13,782 mainly due to the delay of the MATS project, as well as cancellation of the CSAPR project. Additionally, the PCI Analyzer Software project was cancelled.

* Gross of the City's share of Station Two. Includes capitalized interest.

Cash & Temporary Investments

	2011				
	<u>Actual</u>	<u>Budget</u>	<u>Fav/(Unfav)</u>	<u>Actual</u>	<u>Fav/(Unfav)</u>
November 30th	112,024	51,386	60,638	55,165	56,859

The November 30, 2012 cash balance compared to budget is favorable due to the borrowing that occurred in July.

The favorable variance to prior-year is driven by the borrowing this year.

Lines of Credit	
<u>As of November 30th</u>	
Original Amount	\$100,000
Letters of Credit Outstanding	(5,375)
Advances Outstanding	0
Available Lines of Credit	<u>\$ 94,625</u>

BIG RIVERS ELECTRIC CORPORATION

**APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR A
GENERAL ADJUSTMENT IN RATES
CASE NO. 2012-00535**

***First Updated* Response to
Commission Staff's Initial Request for Information
dated December 21, 2012**

January 29, 2013

***First Update* February 15, 2013**

1 **Item 43)** *As the historical data becomes available, provide detailed*
2 *monthly income statements for each forecasted month of the base*
3 *period, including the month in which the Commission hears this case.*

4

5 **Response)** Big Rivers' detailed monthly income statement for the month
6 ended December 31, 2012 (the second forecasted month of the base period) is
7 attached hereto. Big Rivers will provide detailed monthly income statements
8 for the remaining forecasted months included in the base period, including
9 the month in which the Commission hears this case, as the historical data
10 becomes available.

11

12

13 **Witness)** Billie J. Richert

14

15

Preliminary

UNITED STATES DEPARTMENT OF AGRICULTURE RURAL UTILITIES SERVICE FINANCIAL AND OPERATING REPORT ELECTRIC POWER SUPPLY PART A - FINANCIAL	BORROWER DESIGNATION KY0062
INSTRUCTIONS - See help in the online application.	PERIOD ENDED Dec-12

SECTION A. STATEMENT OF OPERATIONS

ITEM	YEAR-TO-DATE			THIS MONTH (d)
	LAST YEAR (a)	THIS YEAR (b)	BUDGET (c)	
1. Electric Energy Revenues	558,372,354.13	563,385,131.72	614,725,050.00	47,925,748.49
2. Income From Leased Property (Net)	0.00	0.00	0.00	0.00
3. Other Operating Revenue and Income	3,616,877.57	4,957,104.01	4,011,500.00	361,084.00
4. Total Operation Revenues & Patronage Capital (1 thru 3)	561,989,231.70	568,342,235.73	618,736,550.00	48,286,832.49
5. Operating Expense - Production - Excluding Fuel	50,410,485.54	48,054,670.68	54,962,438.00	3,943,267.47
6. Operating Expense - Production - Fuel	226,229,049.99	226,368,922.34	240,841,163.00	21,249,081.05
7. Operating Expense - Other Power Supply	112,261,892.16	111,465,356.58	126,165,163.00	8,645,660.67
8. Operating Expense - Transmission	9,183,058.45	10,118,765.89	10,722,952.00	1,034,389.25
9. Operating Expense - RTO/ISO	2,529,531.67	2,262,434.76	2,470,652.00	193,126.93
10. Operating Expense - Distribution	0.00	0.00	0.00	0.00
11. Operating Expense - Customer Accounts	0.00	297,191.47	0.00	297,191.47
12. Operating Expense - Customer Service & Information	631,534.63	886,167.75	723,774.00	255,808.72
13. Operating Expense - Sales	185,003.78	191,205.48	1,101,600.00	44,997.07
14. Operating Expense - Administrative & General	26,557,241.89	26,428,744.85	25,925,640.00	2,622,045.28
15. Total Operation Expense (5 thru 14)	427,987,798.11	426,073,459.80	462,913,382.00	38,285,567.91
16. Maintenance Expense - Production	42,896,418.40	41,169,861.77	58,889,721.00	3,284,826.73
17. Maintenance Expense - Transmission	4,680,625.01	4,607,997.64	3,933,069.00	301,844.41
18. Maintenance Expense - RTO/ISO	0.00	0.00	0.00	0.00
19. Maintenance Expense - Distribution	0.00	0.00	0.00	0.00
20. Maintenance Expense - General Plant	140,534.11	184,301.57	101,538.00	31,439.55
21. Total Maintenance Expense (16 thru 20)	47,717,577.52	45,962,160.98	62,924,328.00	3,618,110.69
22. Depreciation and Amortization Expense	35,406,805.68	41,090,390.70	41,910,892.00	3,425,585.83
23. Taxes	98,389.00	3,810.88	885.00	0.00
24. Interest on Long-Term Debt	45,715,143.94	45,032,787.47	44,647,132.00	3,798,588.59
25. Interest Charged to Construction - Credit	<548,206.00>	<766,677.00>	<678,117.00>	<44,584.00>
26. Other Interest Expense	59,249.64	147,499.02	0.00	46,672.91
27. Asset Retirement Obligations	0.00	0.00	0.00	0.00
28. Other Deductions	220,434.26	546,328.23	415,812.00	121,400.56
29. Total Cost Of Electric Service (15 + 21 thru 28)	556,657,192.15	558,089,760.08	612,134,314.00	49,251,342.49
30. Operating Margins (4 less 29)	5,332,039.55	10,252,475.65	6,602,236.00	<964,510.00>
31. Interest Income	150,516.18	963,130.32	61,860.00	213,475.84
32. Allowance For Funds Used During Construction	0.00	0.00	0.00	0.00
33. Income (Loss) from Equity Investments	0.00	0.00	0.00	0.00
34. Other Non-operating Income (Net)	9,288.48	0.00	0.00	0.00
35. Generation & Transmission Capital Credits	0.00	0.00	0.00	0.00
36. Other Capital Credits and Patronage Dividends	108,536.38	61,485.01	33,000.00	2,810.97
37. Extraordinary Items	0.00	0.00	0.00	0.00
38. Net Patronage Capital Or Margins (30 thru 37)	5,600,380.59	11,277,090.98	6,697,096.00	<748,223.19>

BIG RIVERS ELECTRIC CORPORATION

**APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR A
GENERAL ADJUSTMENT IN RATES
CASE NO. 2012-00535**

First Updated Response to
Commission Staff's Initial Request for Information
dated December 21, 2012

January 29, 2013
First Update February 15, 2013

1 Item 54) *Provide the following information concerning the costs for*
2 *the preparation of this case:*

3

4 a. *A detailed schedule of expenses incurred to date for the*
5 *following categories:*

6 (1) *Accounting;*

7 (2) *Engineering;*

8 (3) *Legal;*

9 (4) *Consultants; and*

10 (5) *Other Expenses (identify separately).*

11 *For each category, the schedule should include the date*
12 *of each transaction; check number or other document*
13 *reference; the vendor, the hours worked; the rates per*
14 *hour; amount, a description of the services performed;*
15 *and the account number in which the expenditure was*
16 *recorded. Provide copies of contracts or other*
17 *documentation that support charges incurred in the*
18 *preparation of this case. Identify any costs incurred*
19 *for this case that occurred during the base period.*

20 b. *An itemized estimate of the total cost to be incurred for*
21 *this case. Expenses should be broken down into the*
22 *same categories as identified in (a) above, with an*

BIG RIVERS ELECTRIC CORPORATION

**APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR A
GENERAL ADJUSTMENT IN RATES
CASE NO. 2012-00535**

***First Updated* Response to
Commission Staff's Initial Request for Information
dated December 21, 2012**

January 29, 2013

***First Update* February 15, 2013**

1 *estimate of the hours to be worked and the rates per*
2 *hour. Include a detailed explanation of how the*
3 *estimate was determined, along with all supporting*
4 *workpapers and calculations.*

- 5 c. *Provide monthly updates of the actual costs incurred*
6 *in conjunction with this rate case, reported in the*
7 *manner requested in (a) above. Updates will be due*
8 *when Big Rivers files its monthly financial statements*
9 *with the Commission, through the month of the public*
10 *hearing.*

11
12 **Response)**

- 13 a. Copies of invoices supporting additional charges incurred are
14 attached hereto. Big Rivers has redacted time entries for
15 matters that are unrelated to this rate case.
16 b. There is no change to the response provided on January 29,
17 2013.
18 c. Please see Big Rivers' response to Item 54a above. Also, Big
19 Rivers attaches hereto an updated schedule of rate case costs
20 incurred-to-date through December 2012.

21
22 **Witness)** Travis A. Siewert



Our Mission: Make Our Clients Successful

Federal ID: 43-0956142

Client Purchase Order: 214218

BMCD Invoice: 70000-3

January 16, 2013

<p>BIG RIVERS ELECTRIC CORP BILL BLACKBURN 201 THIRD ST HENDERSON KY 42420</p>	<p>SEND PAYMENT TO: P.O. Box 411883 Kansas City, MO 64141-1883</p> <p>Enclose Invoice Copy with Payment</p> <p>TERMS: PAYABLE UPON RECEIPT - LATE CHARGE AFTER 30 DAYS</p>	<p>WIRE INSTRUCTIONS:</p> <p>Account 9801192345 Routing 101000695</p> <p>UMB Bank, N.A. 1010 Grand P.O. Box 419226 Kansas City, MO 64141 (816) 860-7000</p>
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Professional Engineering Services for Big Rivers 2012 Depreciation Rate Study

SERVICE THROUGH: 12/31/12

LABOR

Labor Classification	Level	Regular Hours	Regular Rate	Amount
Senior	13	37.00	172.00	6,364.00
Associate	17	18.00	207.00	3,726.00
		<u>55.00</u>		<u>10,090.00</u>

EXPENSE

See Attached	547.25
--------------	--------

TOTAL AMOUNT DUE THIS INVOICE	\$ 10,637.25 USD
--------------------------------------	-------------------------

Agreed Maximum	\$46,700.00
Total Billed to Date	<u>42,300.80</u>
Remaining Fee	\$4,399.20

Thank you for your business. We appreciate the opportunity to serve you.

cc: BMCD Project Manager: Jon Summerville 816-822-4354 jsummerville@burnsmcd.com

Invoice Inquiry: Ken Francis 816-822-6296

BRAALSH
18660000
0314
0999
BR 1/21/13
amy 1/22/13

2

A/P Revd 1/21/13 DW

Labor Summary

<u>Regular Hours</u>	<u>Premium Hours</u>	<u>Name</u>	<u>Bill Level</u>	<u>Classification</u>
37.00		Summerville, Jon	13	Senior
18.00		Kelly, Ted	17	Associate
<hr/>	<hr/>	Totals		
55.00	0.00			

Technology Charge

Technology Charge \$9.95 * 55.00 Hours 547.25

Total 547.25

3



Our Mission: Make Our Clients Successful

Federal ID: 43-0956142

Client Purchase Order: 214218

BMCD Invoice: 70000-3

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Professional Engineering Services for Big Rivers 2012 Depreciation Rate Study

SERVICE THROUGH: 12/31/12

<u>LABOR</u>				
<u>Labor Classification</u>	<u>Level</u>	<u>Regular Hours</u>	<u>Regular Rate</u>	<u>Amount</u>
Senior	13	37.00	172.00	6,364.00
Associate	17	18.00	207.00	3,726.00
		<u>55.00</u>		<u>10,090.00</u>
<u>ENSE</u>				
See Attached				547.25

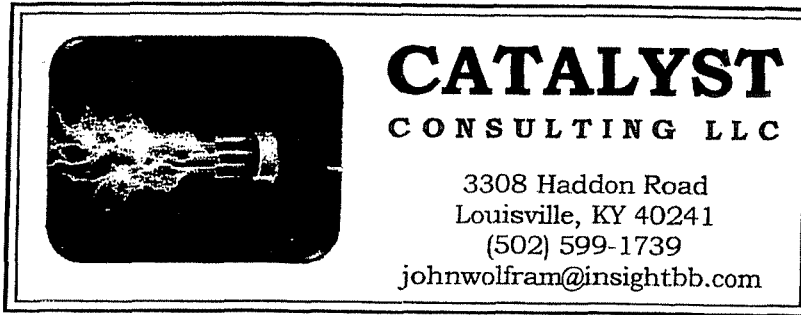
TOTAL AMOUNT DUE THIS INVOICE	\$ 10,637.25 USD
--------------------------------------	-------------------------

Agreed Maximum	\$46,700.00
Total Billed to Date	<u>42,300.80</u>
Remaining Fee	\$4,399.20

Thank you for your business. We appreciate the opportunity to serve you.

cc: BMCD Project Manager: Jon Summerville 816-822-4354 jsummerville@burnsmcd.com
 Invoice Inquiry: Ken Francis 816-822-6296

4



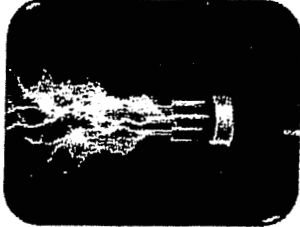
INVOICE

Date: January 1, 2013	Invoice #: 133
Client: Big Rivers Electric Corporation 201 Third Street Henderson, Kentucky 42420	Project: 2012-2013 General Cost of Service & Rates Review For Services Provided in December 2012

#	Item	Description	Qty	Rate	Amt
1	Consulting Services	John Wolfram – consulting support for 2012-2013 COSS & Rates Study. Conference calls; development of testimony for Big Rivers’ witnesses, meetings at Big Rivers for filing requirements, and testimony review.	142 hours	\$175.00	\$ 24,850.00
2	Consulting Services	Paul Garcia – review of draft direct testimony	21.5 hours	\$175.00	\$ 3,762.50
3	Consulting Services	Irv Hurst – review of draft direct testimony	28.5 hours	\$150.00	\$ 4,275.00
4	Expenses	See next page			\$ 1,068.03
TOTAL					\$ 33,955.53

Please remit payment to Catalyst Consulting LLC at the address listed above. Thank you.

Rcvd A/P - 1/3/13
 ZRBALSH T
 18660000
 0699
 0999



CATALYST
CONSULTING LLC

3308 Haddon Road
Louisville, KY 40241
(502) 599-1739
johnwolfram@insightbb.com

EXPENSE DETAIL

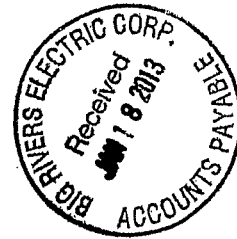
JOHN WOLFRAM

**Big Rivers Electric Corporation
2012-2013 General Cost of Service & Rates Review
December 2012**

	Item	Description	Qty	Rate	Amt
1	Mileage	12/5 Home to BR to hotel	153	0.555	\$ 84.92
2	Meal	12/5 Lunch (JW, Roger Hickman)	1	14.79	\$ 14.79
3	Meal	12/5 Dinner	1	32.11	\$ 32.11
4	Mileage	12/6 Hotel to BR to home	153	0.555	\$ 84.92
5	Hotel	12/5-6 Hampton Inn	1	92.00	\$ 92.00
6	Mileage	12/14 Home to BR to home	274	0.555	\$ 152.07
7	Mileage	12/18 Travel to BR, to hotel	153	0.555	\$ 84.92
8	Meal	12/18 Dinner	1	17.83	\$ 17.83
9	Mileage	12/19 Hotel to BR to hotel	32	0.555	\$ 17.76
10	Meal	12/19 Lunch	1	8.19	\$ 8.19
11	Meal	12/19 Dinner (JW, Roger Hickman)	1	37.40	\$ 37.40
12	Mileage	12/20 Hotel to BR to hotel	32	0.555	\$ 17.76
13	Hotel	12/18-21 Hampton Inn	1	338.46	\$ 338.46
14	Mileage	12/21 Hotel to BR to home	153	0.555	\$ 84.92
		TOTAL			\$ 1,068.03

INVOICE

TO: Jim Miller
FROM: Dan Walker
DATE: January 4, 2013
SUBJECT: December Invoice for Services
2012 Rate Case



Please find below time spend to assist Big Rivers Electric Corporation:

Dec. 20 th	Review Richert testimony	3 hrs
Dec. 26 th	Work on inserts of Richert testimony	5 hrs
Dec. 27 th	Work on inserts to Richert testimony	4 hrs
Dec. 29 th	Review other testimonies	4 hrs
Dec. 30 th	Work on my testimony	4 hrs
Dec. 31 st	Work on my testimony	<u>3 hrs</u>
	Total Hours	23 hrs

@ \$250⁰⁰/hr
per agreement
DW

Total Invoice \$ 5,750

Please send payment to:

Daniel M. Walker
7106 University Drive
Richmond, Virginia 23229

Thanks for the opportunity to do business with Big Rivers

A/P Rcvd 1/8/13
DW

BRBALSAT
18660000
0314
0999

DW 1/9/13
Amy 1/14/13

DINSMORE & SHOHL LLP

Charleston WV Cincinnati OH Columbus OH Dayton OH Frankfort KY Lexington KY
Louisville KY Morgantown WV Philadelphia PA Pittsburgh PA Washington DC Wheeling WV

Federal I.D.: 31-0263070

Big Rivers Electric Corporation
201 Third Street
P.O. Box 24
Henderson KY 42419-0024

December 20, 2012
Invoice # 2977594

Billing Attorney - Edward Tip Depp

Client Number - 75569.2
Matter: Rate Case - # 2012-00535

Remittance Advice

For Professional Services Rendered Through November 30, 2012:

Current Fee for Hours Worked	\$ 15,748.50
Less Discount	\$ -1,000.00
Attorney Costs	\$ 367.65
Total Due for Professional Services	\$ 15,116.15

Payment Due on Receipt

Please Return a Copy of this Remittance Advice with your Payment to:

Dinsmore and Shohl LLP
P.O. Box 640635
Cincinnati, Ohio 45264-0635

or

We accept Visa, Mastercard, American Express and Discover
Please call (513) 977-8131 to initiate credit card payment.



Rec'd A/P 12/20/12
adw

KAC
12-20-12

BRBALSH 18660000 0314 0999 # 14,616.15
BRA0001 9231001-0000 0314 0001 500.00

Case No. 2012-00535

Attachment to First Updated Response to PSC 1-54a

Witness: Travis A. Siewert

Page 7 of 22

Dinsmore & Shohl LLP
Client Number - 75569.2
Matter: Rate Case

December 20, 2012
Invoice # 2977594

Summary of Current Hours Worked

<u>Timekeeper</u>	<u>Staff Level</u>	<u>Hours</u>	
Edward Tip Depp	Partner	26.50	
Kurt R Hunt	Associate	33.90	
Kerry Ingle	Paralegal	2.90	
Peter Pepiton	Litigation Support	0.50	
	Total Hours / Fees	63.80	\$ 15,748.50
	Less Discount		\$ -1,000.00
	Current Fee for Hours Worked		\$ 14,748.50

Summary of Current Attorney Costs Incurred

Business Meals	\$ 26.61
Photocopies	\$ 8.70
Hotel Expense	\$ 70.71
Other Travel	\$ 261.63
Total Attorney Costs	\$367.65
Current Amount Due This Invoice	\$15,116.15

Detail of Current Hours Worked

Date	Timekeeper	Hours	Description
11/01/12	ETD	5.70	Review and respond to emails with Mr. Wolfram regarding expense amortization; review and respond to emails with Mr. Castlen and Mr. Pepiton regarding preparing for discovery requests; prepare for and participate in weekly rate case call; attention to assignment items for rate application; teleconference with Mr. Hunt regarding same; review prior rate case filing and related materials in preparation for drafting testimony.
11/01/12	KRH	0.60	Reviewed prior R. Berry testimony in preparation for drafting new testimony; communications with T. Depp re: same; communications with T. Depp, P. Pepiton re: data requests.
11/01/12	KI	1.60	Docket dates regarding rate case filing requirements; conference with Tip Depp regarding same.
11/02/12	ETD	1.10	Review rate case procedural deadlines and draft schedule and conferences with Mr. Ingle regarding same.
11/02/12	KRH	0.60	Reviewed prior rate case testimony; prepared rate case testimony; communications with T. Depp re: same.
11/05/12	ETD	3.70	[REDACTED] research regarding expense amortization questions raised during last call; teleconferences with Mr. Castlen and Mr. Pepiton regarding preparation for discovery requests and related eDiscovery considerations. <i>not attached</i>
11/05/12	KRH	1.70	[REDACTED] prepared rate case testimony; analyzed prior rate case filings. <i>not attached</i>
11/05/12	KI	1.30	Insert deadlines and due date into calendar of Tip Depp. <i>okay</i>
11/05/12	PP	0.50	Telecon with client re: data collection. Prepare IT checklist
11/06/12	ETD	1.80	Review and respond to emails with Mr. Hunt regarding draft testimony for depreciation expert; work on same; research regarding expense amortization precedent at Public Service Commission
11/06/12	KRH	2.00	[REDACTED] prepared rate case testimony; analyzed prior rate case filings. <i>not attached</i>
11/07/12	ETD	0.80	Prepare for and participate in weekly rate case update teleconference.
11/08/12	KRH	3.30	Revised rate case testimony; researched contract/jurisdictional issues.
11/08/12	ETD	1.10	Review status matrix and draft testimony of Mr. Kelly.
11/09/12	KRH	0.40	Revised rate case testimony; communications with T. Depp regarding same; researched contract/jurisdictional issues.
11/09/12	ETD	0.80	Review and respond to emails with Mr. Hunt regarding preliminary draft testimony of Mr. Kelly regarding depreciation study; review same.
11/12/12	KRH	2.80	Researched contract, jurisdictional issues.

Dinsmore & Shohl LLP
Client Number – 75569.2
Matter: Rate Case

December 20, 2012
Invoice # 2977594

11/13/12	KRH	3.10	Researched contract, jurisdictional issues.
11/14/12	KRH	0.20	Researched contract, jurisdictional issues.
11/15/12	KRH	0.50	Reviewed rate case meeting notes; drafted rate case testimony; reviewed prior rate case materials.
11/16/12	ETD	0.60	Review and respond to emails with Ms. Richert regarding draft depreciation study; review same.
11/18/12	KRH	1.60	Reviewed depreciation study; revised rate case testimony.
11/19/12	KRH	2.70	Researched jurisdictional and contract issues; drafted overview of research.
11/20/12	KRH	1.60	Researched jurisdictional and contractual issues related to upcoming rate case.
11/21/12	ETD	0.90	Review and respond to emails with Mr. Garcia and Mr. Hunt regarding memorandum regarding depreciation study changes; review same; review and respond to emails with and teleconference with Ms. Richert and emails with Mr. Pepiton regarding potential ways to streamline discovery response process.
11/21/12	KRH	0.80	Drafted initial legal analysis of jurisdictional and contractual issues related to upcoming rate case; drafted rate case testimony; communications with T. Depp regarding same.
11/25/12	ETD	0.50	Review and respond to emails with Mr. Hunt and Mr. Castlen regarding updated project responsibilities and action items as well as status of draft testimony for Mr. Kelly.
11/26/12	ETD	2.70	Review email and meeting notes from Mr. Castlen regarding updated project goals/status; teleconferences with Mr. Hunt regarding draft testimony of Mr. Kelly; teleconference and emails with Mr. Kelly at Burns & McDonald regarding preparation of draft testimony and depreciation study; review depreciation study and related documents.
11/26/12	KRH	3.30	Reviewed final depreciation study; drafted and revised rate case testimony; communications with T. Depp regarding same.
11/27/12	ETD	2.40	Review, revise, and work on draft testimony of T. Kelly; teleconferences and emails with Mr. Hunt regarding same.
11/27/12	KRH	3.50	Reviewed final depreciation study, prior rate case testimony; drafted and revised rate case testimony; communications with T. Depp regarding same.
11/28/12	KRH	3.30	Revised rate case testimony; reviewed prior rate case briefs, orders, and related materials; communications with T. Depp regarding same.
11/28/12	ETD	2.40	Review and respond to emails with Mr. Hunt and teleconference with Mr. Hunt regarding comments on draft Kelly testimony and depreciation study; work regarding same.
11/29/12	KRH	1.40	Attended weekly teleconference regarding rate case; communications with T. Depp regarding same, rate case testimony.
11/29/12	ETD	1.10	Review and respond to emails with Mr. Kamuf regarding draft notice of intent to file rate application; review and revise same; teleconference with Mr. Hunt regarding draft testimony of Mr. Kelly and regarding weekly rate case update; review and respond to emails with Mr. Hunt regarding substance of rate case meeting.
11/30/12	KRH	0.50	Revised rate case testimony; communications with T. Depp regarding rate case testimony.

Dinsmore & Shohl LLP
Client Number – 75569.2
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December 20, 2012
Invoice # 2977594

11/30/12	ETD	0.90	Teleconference with Mr. Hunt regarding draft testimony of Mr. Kelly; review draft of same; prepare emails to Mr. Kelly and Mr. Summerville regarding same.
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Total Hours 63.80

DINSMORE & SHOHL LLP

Charleston WV Cincinnati OH Columbus OH Dayton OH Frankfort KY Lexington KY
Louisville KY Morgantown WV Philadelphia PA Pittsburgh PA Washington DC Wheeling WV

Federal I.D.: 31-0263070

Big Rivers Electric Corporation
201 Third Street
P.O. Box 24
Henderson KY 42419-0024

December 20, 2012
Invoice # 2977594

Billing Attorney - Edward Tip Depp

Client Number - 75569.2
Matter: Rate Case - # 2012-00535

Remittance Advice

For Professional Services Rendered Through November 30, 2012:

Current Fee for Hours Worked	\$ 15,748.50
Less Discount	\$ -1,000.00
Attorney Costs	\$ 367.65
Total Due for Professional Services	\$ 15,116.15

Payment Due on Receipt

Please Return a Copy of this Remittance Advice with your Payment to:

Dinsmore and Shohl LLP
P.O. Box 640635
Cincinnati, Ohio 45264-0635

or

We accept Visa, Mastercard, American Express and Discover
Please call (513) 977-8131 to initiate credit card payment.



Rec'd A/P 12/20/12
dlw

KAC
12/20/12

BRBALSHT 18660000 0314 0999 # 14,616.15
BRA0001 9231000000 0314 0001 500.00

Case No. 2012-00535

Attachment to First Updated Response to PSC 1-54a

Witness: Travis A. Siewert

Page 12 of 22

Dinsmore & Shohl LLP
Client Number – 75569.2
Matter: Rate Case

December 20, 2012
Invoice # 2977594

Summary of Current Hours Worked

<u>Timekeeper</u>	<u>Staff Level</u>	<u>Hours</u>	
Edward Tip Depp	Partner	26.50	
Kurt R Hunt	Associate	33.90	
Kerry Ingle	Paralegal	2.90	
Peter Pepiton	Litigation Support	0.50	
	Total Hours / Fees	63.80	\$ 15,748.50
	Less Discount		\$ -1,000.00
	Current Fee for Hours Worked		\$ 14,748.50

Summary of Current Attorney Costs Incurred

Business Meals	\$ 26.61	
Photocopies	\$ 8.70	
Hotel Expense	\$ 70.71	
Other Travel	\$ 261.63	
	Total Attorney Costs	\$367.65
	Current Amount Due This Invoice	\$15,116.15

Dinsmore & Shohl LLP
Client Number – 75569.2
Matter: Rate Case

December 20, 2012
Invoice # 2977594

Detail of Current Hours Worked

Date	Timekeeper	Hours	Description
11/01/12	ETD	5.70	Review and respond to emails with Mr. Wolfram regarding expense amortization; review and respond to emails with Mr. Castlen and Mr. Pepiton regarding preparing for discovery requests; prepare for and participate in weekly rate case call; attention to assignment items for rate application; teleconference with Mr. Hunt regarding same; review prior rate case filing and related materials in preparation for drafting testimony.
11/01/12	KRH	0.60	Reviewed prior R. Berry testimony in preparation for drafting new testimony; communications with T. Depp re: same; communications with T. Depp, P. Pepiton re: data requests.
11/01/12	KI	1.60	Docket dates regarding rate case filing requirements; conference with Tip Depp regarding same.
11/02/12	ETD	1.10	Review rate case procedural deadlines and draft schedule and conferences with Mr. Ingle regarding same.
11/02/12	KRH	0.60	Reviewed prior rate case testimony; prepared rate case testimony; communications with T. Depp re: same.
11/05/12	ETD	3.70	Review and respond to emails and teleconference with Mr. Hunt regarding smelter-related issues; research regarding expense amortization questions raised during last call; teleconferences with Mr. Castlen and Mr. Pepiton regarding preparation for discovery requests and related eDiscovery considerations. <i>not rate case</i>
11/05/12	KRH	1.70	Analyzed J. Martin's research memo regarding electricity market purchase agreements; communications with T. Depp regarding same; prepared rate case testimony; analyzed prior rate case filings. <i>not rate case</i>
11/05/12	KI	1.30	Insert deadlines and due date into calendar of Tip Depp. <i>okay</i>
11/05/12	PP	0.50	Telecon with client re: data collection. Prepare IT checklist
11/06/12	ETD	1.80	Review and respond to emails with Mr. Hunt regarding draft testimony for depreciation expert; work on same; research regarding expense amortization precedent at Public Service Commission.
11/06/12	KRH	2.00	Analyzed J. Martin research memo regarding electricity market purchase agreements; communications with T. Depp regarding same; prepared rate case testimony; analyzed prior rate case filings. <i>not rate case</i>
11/07/12	ETD	0.80	Prepare for and participate in weekly rate case update teleconference.
11/08/12	KRH	3.30	Revised rate case testimony; researched contract/jurisdictional issues.
11/08/12	ETD	1.10	Review status matrix and draft testimony of Mr. Kelly.
11/09/12	KRH	0.40	Revised rate case testimony; communications with T. Depp regarding same; researched contract/jurisdictional issues.
11/09/12	ETD	0.80	Review and respond to emails with Mr. Hunt regarding preliminary draft testimony of Mr. Kelly regarding depreciation study; review same.
11/12/12	KRH	2.80	Researched contract, jurisdictional issues.

Smelter Issues 5 @ \$280.00 = 140.00
 see attached

Smelter Issues 1.0 @ 225.00 = 225.00
 see attached

Smelter Issues 6 @ 225.00 = 135.00
 see attached

Dinsmore & Shohl LLP
Client Number – 75569.2
Matter: Rate Case

December 20, 2012
Invoice # 2977594

11/13/12	KRH	3.10	Researched contract, jurisdictional issues.
11/14/12	KRH	0.20	Researched contract, jurisdictional issues.
11/15/12	KRH	0.50	Reviewed rate case meeting notes; drafted rate case testimony; reviewed prior rate case materials.
11/16/12	ETD	0.60	Review and respond to emails with Ms. Richert regarding draft depreciation study; review same.
11/18/12	KRH	1.60	Reviewed depreciation study; revised rate case testimony.
11/19/12	KRH	2.70	Researched jurisdictional and contract issues; drafted overview of research.
11/20/12	KRH	1.60	Researched jurisdictional and contractual issues related to upcoming rate case.
11/21/12	ETD	0.90	Review and respond to emails with Mr. Garcia and Mr. Hunt regarding memorandum regarding depreciation study changes; review same; review and respond to emails with and teleconference with Ms. Richert and emails with Mr. Pepiton regarding potential ways to streamline discovery response process.
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11/26/12	ETD	2.70	Review email and meeting notes from Mr. Castlen regarding updated project goals/status; teleconferences with Mr. Hunt regarding draft testimony of Mr. Kelly; teleconference and emails with Mr. Kelly at Burns & McDonald regarding preparation of draft testimony and depreciation study; review depreciation study and related documents.
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11/28/12	ETD	2.40	Review and respond to emails with Mr. Hunt and teleconference with Mr. Hunt regarding comments on draft Kelly testimony and depreciation study; work regarding same.
11/29/12	KRH	1.40	Attended weekly teleconference regarding rate case; communications with T. Depp regarding same, rate case testimony.
11/29/12	ETD	1.10	Review and respond to emails with Mr. Kamuf regarding draft notice of intent to file rate application; review and revise same; teleconference with Mr. Hunt regarding draft testimony of Mr. Kelly and regarding weekly rate case update; review and respond to emails with Mr. Hunt regarding substance of rate case meeting.
11/30/12	KRH	0.50	Revised rate case testimony; communications with T. Depp regarding rate case testimony.

Dinsmore & Shohl LLP
Client Number – 75569.2
Matter: Rate Case

December 20, 2012
Invoice # 2977594

11/30/12	ETD	0.90	Teleconference with Mr. Hunt regarding draft testimony of Mr. Kelly; review draft of same; prepare emails to Mr. Kelly and Mr. Summerville regarding same.
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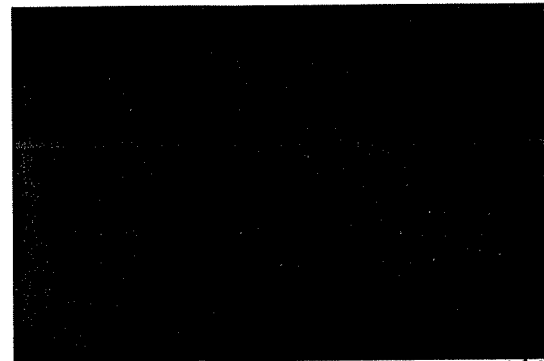
Total Hours 63.80



Big Rivers Electric Corp. - 8814
page 3

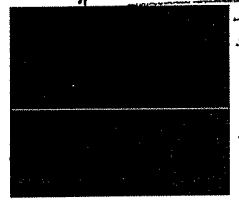
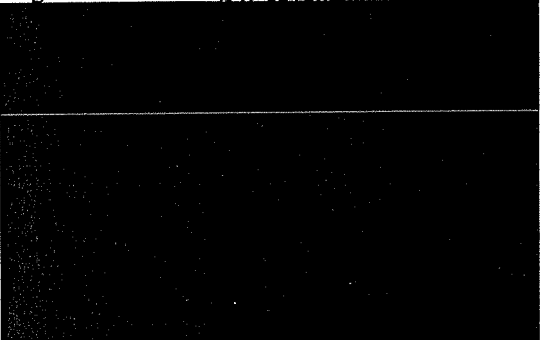
January 8, 2013
Invoice No. 1399361

12/26/12 F. Gottlieb
 12/27/12 F. Gottlieb
 12/27/12 C. Lyon
 12/27/12 S. Schickli
 12/28/12 F. Gottlieb
 12/28/12 F. Gottlieb
 12/28/12 S. Schickli
 12/31/12 F. Gottlieb
 12/31/12 C. Lyon



Maintenance of Property - review of agreements relating to covenants *Rate Code*

3.10 * 2,356.00 186600



Total Hours 53.75
 Total For Services \$41,727.75
 Less 7.5 % Discount (3,129.57)
 Total Fees 53.75 \$38,598.18

Timekeeper Summary	Hours	Rate	Amount
Carl F. Lyon	15.40	995.00	15,323.00
F. S. Gottlieb	19.60	760.00	14,896.00
Scott Schickli	12.25	695.00	8,513.75
Victoria K. Boyne	6.00	475.00	2,850.00
Jose L. DeJesus	0.50	290.00	145.00
Total All Timekeepers	53.75		\$41,727.75
		Less Discount	(3,129.57)
		Total Fees	\$38,598.18

* Less 7.5% discount of \$176.09



Big Rivers Electric Corp. - 8814
page 4

January 8, 2013
Invoice No. 1399361

Disbursements

Color Document Reproduction	76.25
Document Reproduction	334.60
Taxi Expense	170.51
Telephone	20.63
Total Disbursements	

\$601.99 ^{PCE}
181600

PCB	BRBALSHT	18160000	0314	0999		
	BRBALSHT	18160000	0314	0999		
	BRBALSHT	18160000	0314	0999		
Financing Matters	BRA0011	923100-0000	0314	0011		7.5% discount
	BRA0011	923100-0000	0314	0011		7.5% discount
ECP Financing	BRBALSHT	18150000	0314	0999		7.5% discount
	BRBALSHT	18150000	0314	0999		
2012 Rate Case	BRBALSHT	18660000	0314	0999		2,356.00
	BRBALSHT	18660000	0314	0999		(176.69) 7.5% discount
						<u>39,200.17</u> ✓

Big Rivers Electric Corp.
Attn: Billie Richert
VP Accounting & Interim CFO
P. O. Box 24
Henderson, KY 42419-002

Invoice # 116,035
Our file # 17356 00502
Billing through 12/31/2012

Rate Case 2013

BALANCE SUMMARY

Balance Forward As Of Last Invoice	\$20,662.50
Payments Applied Since Last Invoice	-\$20,662.50
Total current charges	\$27,388.00
BALANCE DUE	\$27,388.00 ✓

FOR PROFESSIONAL SERVICES RENDERED

12 02 2012	JMM	Review accumulated messages re rate case preparation, decisions, remaining issues, schedules and responsibilities; review portion of draft testimonies.	2.50	220.00	550.00
12 03 2012	JMM	Conference with Billie Richert and Wolfram; review latest communications on rate case preparation.	1.70	220.00	374.00
12 03 2012	TAK	Work on rate case.	3.80	170.00	646.00
12 03 2012	TW	Document collection, prepared memo to Jim Miller regarding same.	1.50	75.00	112.50
12 04 2012	TAK	Work on rate case; calls with John Wolfram, Jim Miller and Billie Richert.	4.60	170.00	782.00
12 05 2012	JMM	Review, research for and respond to message and attachment from Marty Littrel; review motions to intervene.	0.60	220.00	132.00
12 05 2012	TAK	Work on rate case; calls with Dave Crockett, John Wolfram	5.20	170.00	884.00
12 06 2012	JMM	Conference with Billie Richert re depreciation study issue; review motions to intervene.	0.60	220.00	132.00
12 06 2012	TAK	Work on rate case; conference call; call with John Wolfram	2.20	170.00	374.00
12 07 2012	TAK	Work on rate case; calls with Lindsay Barron, Roger Hickman, Nick Castlen.	3.50	170.00	595.00
12 08 2012	JMM	Continue research for an commenting on draft testimony.	1.40	220.00	308.00
12 09 2012	JMM	Research for and comment on draft testimony; preparation of exhibits.	2.90	220.00	638.00

12 10 2012	JMM	Continue research for and drafting of comments on draft testimony and exhibits; respond to messages from Billie Richert; conference with Al Yockey re tariff.	5.20	220.00	1,144.00
12 10 2012	TAK	Work on rate case.	0.80	170.00	136.00
12 10 2012	TW	Update to documents list.	0.10	75.00	7.50
12 11 2012	JMM	Receipt, review and respond to messages; conferences with Wolfram; review drafts of testimony and tariff revisions and comment on same.	4.50	220.00	990.00
12 11 2012	TAK	Work on rate case.	1.60	170.00	272.00
12 12 2012	JMM	Conference with Wolfram re strategic plans; review and revise several summaries of issues.	1.90	220.00	418.00
12 12 2012	TAK	Work on rate case; conference with Jim Miller.	5.90	170.00	1,003.00
12 13 2012	JMM	Conference with Billie Richert; conference with Al Yockey; conference with Kamuf; messages to Wolfram; research for and review of draft testimony; review proposed tariff revisions in preparation for meeting on same; messages with Roger Hickman; review draft filing summary documents.	5.30	220.00	1,166.00
12 13 2012	TAK	Work on rate case; review tariff changes.	4.30	170.00	731.00
12 14 2012	JMM	Preparation for and participate in meeting on tariff at Big Rivers.	4.50	220.00	990.00
12 14 2012	TAK	Work on rate case; meeting at Big Rivers re tariff changes.	4.10	170.00	697.00
12 15 2012	JMM	Research rate case issues and prepare memorandum.	2.30	220.00	506.00
12 17 2012	JMM	Review and respond to inquiry from Billie Richert; research conference call with Billie Richert and Wolfram.	0.90	220.00	198.00
12 17 2012	TAK	Work on rate case.	1.30	170.00	221.00
12 18 2012	JMM	Research re filing requirements; review draft testimony; review draft exhibits; review details of compliance with filing requirements.	1.10	220.00	242.00
12 18 2012	TAK	Work on rate case; call with Dave Crockett.	7.20	170.00	1,224.00
12 19 2012	TAK	Work on rate case; conference call.	7.60	170.00	1,292.00
12 20 2012	JMM	Prepare for and participate in update conference; other conferences re status of testimony and schedule for completing same.	2.00	220.00	440.00
12 20 2012	TAK	Work on rate case; conference call; drive to and from Big Rivers.	12.40170	.00	2,108.00
12 21 2012	TAK	Work regarding rate case; drive to and from Big Rivers.	10.90170	.00	1,853.00
12 23 2012	JMM	Review draft testimony.	2.10	220.00	462.00
12 26 2012	JMM	Conference with Walker and Wolfram; conference with Wolfram; conference with Billie Richert; review orders	1.60	220.00	352.00

		received.			
12 26 2012	TAK	Phone calls with Al Yockey, John Wolfram; work regarding rate case.	6.60	170.00	1,122.00
12 27 2012	JMM	Preparation for and participate in conference call with team; respond to questions from Wolfram.	1.00	220.00	220.00
12 27 2012	TAK	Phone call with John Wolfram; work on rate case.	8.40	170.00	1,428.00
12 28 2012	TAK	Work on rate case; drive to and from Big Rivers.	13.20170	.00	2,244.00
12 29 2012	TAK	Work on rate case.	0.50	170.00	85.00
12 31 2012	JMM	Review messages; begin review of revised drafts of testimony.	0.40	220.00	88.00
12 31 2012	TAK	Work on rate case; call with John Wolfram.	1.30	170.00	221.00

TIMEKEEPER SUMMARY

JMM	Miller, James	42.50	\$220.00	9,350.00
TAK	Kamuf, Tyson	105.40	\$170.00	17,918.00
TW	Wright, Trisha	1.60	\$75.00	120.00
Total fees for this matter				27,388.00

BILLING SUMMARY

TOTAL PROFESSIONAL SERVICES	\$27,388.00
TOTAL OUT-OF-POCKET EXPENSES	\$0.00
TOTAL CURRENT CHARGES	\$27,388.00
TOTAL BALANCE DUE UPON RECEIPT	\$27,388.00

Big Rivers Electric Corporation
Case No. 2012-00535
First Monthly Update of Schedule of Rate Case Costs Incurred-To-Date

Line No.	Month Booked	Check Number	Vendor	Invoice Number	Amount	Account	Description	Base Period
1	Dec-2012	526823	Burns and McDonnell Engineering Co., Inc.	70000-3	\$ 10,637.25	186	Engineering	
2	Dec-2012	526266	Catalyst Consulting LLC	133	33,955.53	186	Consulting	
3	Dec-2012	526282	Dinsmore & Shohl LLP	2977594	14,616.15	186	Legal	
4	Dec-2012	526282	Dinsmore & Shohl LLP	2987408	10,310.00	186	Legal	
5	Dec-2012	526373	Orrick, Herrington & Sutcliffe	1399361	2,179.31	186	Legal	
6	Dec-2012	526394	Sullivan, Mountjoy, Stainback & Miller	116,035	27,388.00	186	Legal	
7	Dec-2012	526278	Daniel M. Walker	Professional Services Dec-12	5,750.00	186	Consulting	
8			Total - December 2012		104,836.24			
9			Total To-Date November 2012		187,993.88			
10			Total To-Date December 2012		\$ 292,830.12			

Notes(s): Costs associated with this Rate Case are currently booked to a deferred debit account on the balance sheet pending approval from the Commission to defer costs in a regulatory asset to be amortized over three years.

1 COMMONWEALTH OF KENTUCKY
2 BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY
3
4

5 In the Matter of:

6
7 Application of Big Rivers Electric)
8 Corporation for a General) Case No. 2012-00535
9 Adjustment in Rates)
10

11
12 **PETITION OF BIG RIVERS ELECTRIC CORPORATION FOR**
13 **CONFIDENTIAL PROTECTION**
14

15 1. Big Rivers Electric Corporation (“Big Rivers”) hereby petitions the
16 Kentucky Public Service Commission (“Commission”), pursuant to 807 KAR 5:001
17 Section 13 and KRS 61.878, to grant confidential protection to portions of a
18 financial report Big Rivers is filing as an update to Tab 38 to its application in this
19 matter. The information Big Rivers seeks to protect as confidential is hereinafter
20 referred to as the “Confidential Information.”

21 2. One (1) copy of the pages containing Confidential Information, with the
22 Confidential Information highlighted with transparent ink is being filed with this
23 petition. A copy of the pages containing Confidential Information, with the
24 Confidential Information redacted, is being filed with the original and each of the
25 ten (10) copies of Big Rivers’ updated response to Tab 38 filed with this petition.
26 807 KAR 5:001 Sections 13(2)(a)(3), 13(2)(b).

27 3. A copy of this petition with the Confidential Information redacted has
28 been served on all parties to this proceeding. 807 KAR 5:001 Section 13(2)(c). A

1 copy of the Confidential Information has been served on all parties that have signed
2 a confidentiality agreement.

3 4. The Confidential Information is not publicly available, is not
4 disseminated within Big Rivers except to those employees and professionals with a
5 legitimate business need to know and act upon the information, and is not
6 disseminated to others without a legitimate need to know and act upon the
7 information.

8 5. If and to the extent the Confidential Information becomes generally
9 available to the public, whether through filings required by other agencies or
10 otherwise, Big Rivers will notify the Commission and have its confidential status
11 removed. 807 KAR 5:001 Section 13(10)(a).

12 6. As discussed below, the Confidential Information is entitled to
13 confidential protection based upon KRS 61.878(1)(c)(1), which protects “records
14 confidentially disclosed to an agency or required by an agency to be disclosed to it,
15 generally recognized as confidential or proprietary, which if openly disclosed would
16 permit an unfair commercial advantage to competitors of the entity that disclosed
17 the records.” KRS 61.878(1)(c)(1); 807 KAR 5:001 Section 13(2)(a)(1).

18 **I. Big Rivers Faces Actual Competition**

19 7. Big Rivers competes in the wholesale power market to sell energy
20 excess to its members’ needs. Big Rivers’ ability to successfully compete in the
21 wholesale power market is dependent upon a combination of its ability to get the
22 maximum price for the power sold, and keeping the cost of producing that power as

1 low as possible. Fundamentally, if Big Rivers' cost of producing a kilowatt hour
2 increases, its ability to sell that kilowatt hour in competition with other utilities is
3 adversely affected. As is well documented in multiple proceedings before this
4 Commission, Big Rivers' margins are derived almost exclusively from its off-system
5 sales.

6 8. Big Rivers also competes for reasonably priced credit in the credit
7 markets, and its ability to compete is directly impacted by its financial results. Any
8 event that adversely affects Big Rivers' margins will adversely affect its financial
9 results and potentially impact the price it pays for credit. As was described in the
10 proceeding before this Commission in the Big Rivers unwind transaction case, Big
11 Rivers expects to be in the credit markets on a regular basis in the future.¹

12 **II. The Confidential Information is Generally Recognized as**
13 **Confidential or Proprietary**
14

15 9. The Confidential Information for which Big Rivers seeks confidential
16 treatment under KRS 61.878(1)(c)(1) is generally recognized as confidential or
17 proprietary under Kentucky law.

18 10. The Confidential Information consists of recent off-system sales
19 revenues, volumes, and prices, purchased power amounts and prices, Big Rivers'
20 cost of producing power, and net sales margins and TIER.

21 11. Public Disclosure of the Confidential Information would reveal detailed
22 information relating to Big Rivers' cost of producing power (including projected fuel

¹ See Order dated March 6, 2009, in *In the Matter of: Joint Application of Big Rivers, E.ON, LG&E Energy Marketing, Inc., and Western Kentucky Energy Corporation for Approval to Unwind Lease and Power Purchase Transactions*, PSC Case No. 2007-00455, pages 27-30 and 37-39.

1 and other operating and maintenance (“O&M”) costs); purchased power amounts
2 and prices; and off-system sales volumes and prices. Knowledge of such data will
3 give Big Rivers’ suppliers and competitors an unfair competitive advantage.

4 12. Public disclosure of the O&M and fuel costs, recent purchased power
5 amounts and costs, and recent and projected off-system sales prices and revenues
6 will give Big Rivers’ suppliers, buyers, and competitors insight into Big Rivers’ cost
7 of producing power, and Big Rivers’ view of future fuel prices and market power
8 prices, which would indicate the prices at which Big Rivers is willing to buy or sell
9 such items.

10 13. Information about a company’s detailed inner workings is generally
11 recognized as confidential or proprietary. *See, e.g., Hoy v. Kentucky Indus.*
12 *Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995) (“It does not take a degree
13 in finance to recognize that such information concerning the inner workings of a
14 corporation is ‘generally recognized as confidential or proprietary’”). Moreover, the
15 Commission has previously granted confidential treatment to similar information.
16 *See, e.g.,* two letters from the Commission dated December 11, 2012, in *In the*
17 *Matter of: Application of Big Rivers Electric Corporation for Approval of its 2012*
18 *Environmental Compliance Plan, for Approval of its Amended Environmental Cost*
19 *Recovery Surcharge Tariff, for Certificates of Public Convenience and Necessity, and*
20 *for Authority to Establish a Regulatory Account*, PSC Case No. 2012-00063
21 (granting confidential treatment to Big Rivers’ O&M expenses, and off-system sales
22 and revenues).

1 **III. Disclosure of the Confidential Information Would Permit an**
2 **Unfair Commercial Advantage to Big Rivers' Competitors**

3
4 14. Disclosure of the Confidential Information would permit an unfair
5 commercial advantage to Big Rivers' competitors. As discussed above, Big Rivers
6 faces actual competition in the wholesale power market and in the credit market. It
7 is likely that Big Rivers would suffer competitive injury if that Confidential
8 Information was publicly disclosed.

9 15. The Confidential Information includes material such as Big Rivers'
10 recent fuel costs and prices related to power market transactions. If that
11 information is publicly disclosed, potential fuel and power suppliers and buyers of
12 fuel and power would have insight into the prices Big Rivers is willing to buy and
13 sell those items at and could manipulate the bidding process, leading to higher
14 prices or lower revenues for Big Rivers and impairing its ability to compete in the
15 wholesale power and credit markets. In PSC Case No. 2003-00054, the Commission
16 granted confidential protection to bids submitted to Union Light, Heat & Power
17 ("ULH&P"). ULH&P argued, and the Commission implicitly accepted, that if the
18 bids it received were publicly disclosed, contractors on future work could use the
19 bids as a benchmark, which would likely lead to the submission of higher bids.
20 Order dated August 4, 2003, in *In the Matter of: Application of the Union Light,*
21 *Heat and Power Company for Confidential Treatment*, PSC Case No. 2003-00054.
22 The Commission also implicitly accepted ULH&P's further argument that the
23 higher bids would lessen ULH&P's ability to compete with other gas suppliers. *Id.*
24 Similarly, potential fuel and power suppliers manipulating Big Rivers' bidding

1 process would lead to higher costs or lower revenues to Big Rivers and would place
2 it at an unfair competitive disadvantage in the wholesale power market and credit
3 markets.

4 16. Additionally, public disclosure of the fuel prices and other variable cost
5 information would give the power producers and marketers with which Big Rivers
6 competes in the wholesale power market insight into Big Rivers' cost of producing
7 power. Knowledge of this information would give those power producers and
8 marketers an unfair competitive advantage because they could use that information
9 to potentially underbid Big Rivers in wholesale transactions. It would also give
10 potential suppliers to Big Rivers a competitive advantage because they will be able
11 to manipulate the price of power bid to Big Rivers in order to maximize their
12 revenues, thereby driving up Big Rivers' costs and impairing Big Rivers' ability to
13 compete in the wholesale power and credit markets.

14 IV. Time Period

15 17. Big Rivers requests that the Confidential Information remain
16 confidential for a period of five (5) years from the date of this petition, which should
17 allow sufficient time for the projected data to become historical and sufficiently
18 outdated that it could not be used to determine similar confidential information at
19 that time. 807 KAR 5:001 Section 13(2)(a)(2).

20 V. Conclusion

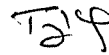
21 18. Based on the foregoing, the Confidential Information is entitled to
22 confidential protection. If the Commission disagrees that Big Rivers is entitled to

1 confidential protection, due process requires the Commission to hold an evidentiary
2 hearing. *Utility Regulatory Com'n v. Kentucky Water Service Co., Inc.*, 642 S.W.2d
3 591 (Ky. App. 1982).

4 WHEREFORE, Big Rivers respectfully requests that the Commission classify
5 and protect as confidential the Confidential Information.

6 On this the 14th day of February, 2013.

7 Respectfully submitted,

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10 

11 _____
12 James M. Miller
13 Tyson Kamuf
14 SULLIVAN, MOUNTJOY,
15 STAINBACK & MILLER, P.S.C.
16 100 St. Ann Street
17 P. O. Box 727
18 Owensboro, Kentucky 42302-0727
19 Phone: (270) 926-4000
20 Facsimile: (270) 683-6694
21 jmiller@smsmlaw.com
22 tkamuf@smsmlaw.com

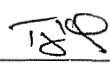
23
24 Edward T. Depp
25 Dinsmore & Shohl LLP
26 101 South Fifth Street
27 Suite 2500
28 Louisville, KY 40202
29 Phone: (502) 540-2347
30 Facsimile: (502) 585-2207
31 tip.depp@dinsmore.com

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34 Counsel for Big Rivers Electric
35 Corporation
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Certificate of Service

I certify that a true and accurate copy of the foregoing was served by Federal Express or by first class mail, postage prepaid upon the persons listed on the service list that accompanies this petition, on this the 14th day of February, 2013.



Tyson Kamuf