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Tyson A. Kamuf

Mark W. Starnes

C. Ellsworth Mountjoy

May 31, 2013

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

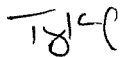
\*Also Licensed in Indiana

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 (i) Big Rivers' first request for information to the Attorney General, (ii) Big Rivers' first request for information to Kentucky Industrial Utility Customers, Inc., and (iii) Big Rivers' first request for information to Ben Taylor and Sierra Club. I certify that on this date, a copy of this letter and a copy of the requests for information were served by first class mail, by Federal Express, or by hand delivery on each of the persons listed on the attached service list.

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

Service List  
PSC Case No. 2012-00535

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Dennis G. Howard, II  
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Frankfort, KY 40601

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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

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Roswell, Georgia 30075

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Alpharetta, Georgia 30009

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Hardinsburg, KY 40143

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Paducah, KY 42001

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San Francisco, CA 94105

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Frank Ackerman  
Synapse Energy Economics  
485 Massachusetts Avenue, Suite 2  
Cambridge, MA 02139

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 **BIG RIVERS ELECTRIC CORPORATION'S FIRST REQUEST FOR INFORMATION**  
13 **TO THE ATTORNEY GENERAL**  
14

15 Big Rivers Electric Corporation submits these first requests for information to the  
16 Attorney General, to be answered in accordance with the following Definitions and Instructions.

17 DEFINITIONS

18 1. Whenever it is necessary to bring within the scope of these information requests  
19 documents that otherwise might be construed to be outside their scope (1) the use of "and" as  
20 well as "or" shall be construed both disjunctively and conjunctively; (2) the use of a word in its  
21 singular form shall be construed to include within its meaning its plural form as well, and vice  
22 versa; (3) the use of "include" and "including" shall be construed to mean "without limitation";  
23 and (4) the use of a verb in any tense or voice shall be construed as the use of that verb in all  
24 other tenses and voices.

25 2. "Big Rivers" means Big Rivers Electric Corporation.

26 3. "Attorney General," "you," or "your" means the Attorney General of the  
27 Commonwealth of Kentucky and his agents, officers, employees, and consultants.

28 4. "Century" means Century Aluminum of Kentucky General Partnership.

29 5. "Alcan" means Alcan Primary Products Corporation.

30 6. "Commission" means the Kentucky Public Service Commission.

1           7.     “Document” means any written, recorded, transcribed, printed or impressed  
2 matter of whatever kind, however produced, stored or reproduced, including, but not limited to,  
3 sound or pictorial recordings, computerized information, books, pamphlets, letters, memoranda,  
4 telegrams, electronic or mechanical transmissions, communications of all kinds, reports, notes,  
5 working papers, handwritings, charts, papers, writings, printings, transcriptions, tapes and  
6 records of all kinds. Document includes, without limitation, all workpapers produced by or  
7 relied upon by the witness.

8           8.     “Person” includes a natural person, a business organization of any type, an  
9 unincorporated association, a governmental subdivision, agency, or entity, and a business trust.

10          9.     Wherever in these information requests you are asked to “identify,” you are  
11 requested:

- 12           a.     when identifying a person, to give such person’s:  
13               (1)    full name,  
14               (2)    business address, residence address, and telephone number,  
15               (3)    his or her present or last known position and business affiliation at  
16               the time in question, and  
17               (4)    the nature of such person’s participation in, and the scope of his  
18               responsibility with regard to, the facts and events underlying the  
19               present case;

- 20           b.     when identifying an oral communication, to:  
21               (1)    identify the author thereof and the parties thereto,  
22               (2)    state the date of the communication,  
23               (3)    state the place of the communication,

- 1 (4) state the substance of the communication, and  
2 (5) state whether such communication has been reduced to writing  
3 and, if so, identify each document and the present custodian  
4 thereof;

5 c. when identifying other information, to state:

- 6 (1) the source thereof,  
7 (2) any oral communications pertaining thereto,  
8 (3) any documents pertaining thereto, and  
9 (4) the substance of the information;

10 d. when identifying a document, to:

- 11 (1) identify the author thereof and the parties thereto,  
12 (2) state its title or other identifying data,  
13 (3) state the date of the document or if no date appears thereon, the  
14 approximate date,  
15 (4) state the exact nature and substance thereof;  
16 (5) identify each person having possession, care, custody or control of  
17 the original and any copies thereof; and  
18 (6) if such document was, but no longer is, in your possession or  
19 subject to your control, state what disposition was made of it.

20  
21

1 INSTRUCTIONS

2 1. If any document called for by any of these data requests is withheld based upon a  
3 claim of privilege or work product, please produce so much of the document as to which you do  
4 not claim privilege or protection, and for each document or part of a document for which you  
5 claim privilege or protection, describe or identify:

- 6 a. The nature, subject matter and substance of the document or part of the  
7 document withheld;
- 8 b. The nature of the privilege or protection claimed;
- 9 c. The date, author or authors, addressee or addressees, and distribution of  
10 the document;
- 11 d. Each person in whose possession, custody or control any copy of the  
12 document is or has been; and
- 13 e. Paragraph number of the schedule of documents to which the document or  
14 part of the document is responsive.

15 2. If, for reasons other than a claim of privilege or work product, you refuse to  
16 answer any data request or to produce any document requested, state the grounds upon which the  
17 refusal is based with sufficient specificity to permit a determination of the propriety of such  
18 refusal.

19 3. If any copy of any document requested herein or any record which refers or  
20 relates to any document requested herein has been destroyed or lost, set forth to the extent  
21 possible the content of each such document, the date such document and its copies were  
22 destroyed or lost and, if destroyed, the identity of the person authorizing such destruction, and  
23 the identity of the last known custodian of such document prior to its destruction.

1           4.       These data requests shall be deemed continuing and you should serve upon Big  
2 Rivers' counsel (1) supplemental responses to these data requests if additional information or  
3 information that changes your response to any data request is obtained during the course of this  
4 proceeding, and (2) any documents requested herein that become available or that are discovered  
5 after the date your responses to these data requests are due.

6

7

DATA REQUESTS

8           1.       With respect to each of your witnesses, identify the witness's specific experience  
9 (by proceeding caption and case number) testifying in rate cases in which the utility supported its  
10 application by a *fully-forecasted* test year. Identify the party on whose behalf each witness  
11 testified in those proceedings, and provide a copy of any written testimony of such witness in  
12 such case.

13           2.       Refer to the Direct Testimony of David Brevitz at page 16, lines 1-3, where Mr.  
14 Brevitz states, "This is a notable departure from unanimous support for actions by a cooperative,  
15 which I understand to be the normal practice for governance of a cooperative." Please provide  
16 all analyses, studies, and other documents relied upon by Mr. Brevitz in reaching that  
17 understanding.

18           3.       Refer to the Direct Testimony of David Brevitz at page 18, line 4. Please provide  
19 the basis for Mr. Brevitz' conclusion that Big Rivers' debt is "significant" compared to equity.

20           a.       Has Mr. Brevitz compared Big Rivers' debt to equity ratio to that of other  
21 generation and transmission cooperatives? If so, please provide all such  
22 comparisons. If not, please explain why Mr. Brevitz did not perform such a  
23 comparison.



1           b. Provide all studies and other documents that Mr. Brevitz relied upon in reaching  
2           his conclusion.

3           4. Refer to the Direct Testimony of David Brevitz at page 19, lines 4-6. Please  
4 provide all analyses, studies, and other documents upon which Mr. Brevitz relies in concluding  
5 that Big Rivers “faces the risk of higher interest expense...in connection with future financing.”

6           5. Refer to the Direct Testimony of David Brevitz at page 21, line 4. Please identify  
7 and describe in detail each of the “various exigencies” mentioned by Mr. Brevitz. With respect  
8 to each such “exigency,” explain whether Mr. Brevitz anticipates that the exigency will be  
9 alleviated in the event of restructuring or bankruptcy of Big Rivers, and provide a copy of all  
10 analyses, studies, and other documents relied upon by Mr. Brevitz to reach that conclusion.

11          6. Refer to the Direct Testimony of David Brevitz at page 27, lines 3-5. Please  
12 provide all analyses and documents supporting your conclusion that “BREC’s request to increase  
13 rates for large industrial consumers in this case and prospective further increases to those rates is  
14 in direct conflict with BREC’s efforts under the Mitigation Plan to attract new large industrial  
15 load.”

16           a. Please explain in detail any analysis undertaken with respect to a comparison of  
17 Big Rivers’ requested rates and the existing rates of potential industrial customers  
18 currently located in other areas of the country.

19           b. Provide any comparison of Big Rivers’ large industrial rates against the large  
20 industrial rates of other utilities relied on by Mr. Brevitz. If he did not rely on any  
21 such comparison, please explain why.

22          7. With respect to the Unwind Transaction, identify and describe all factors other  
23 than the unanticipated downturn in the wholesale market that contributed to the financial

1 circumstances identified and described in the Direct Testimony of David Brevitz beginning at  
2 page 31, line 5 through page 32, line 19.

3 8. Refer to the Direct Testimony of David Brevitz at page 37, lines 10-13, where he  
4 states that “with the impending Alcan departure, the restart of the Wilson Station would  
5 obviously extend further into the future, all other things equal.” Please explain the basis for this  
6 assertion, and provide all analyses and other documents upon which Mr. Brevitz relied to  
7 support this assertion.

8 9. Has the Attorney General or any of his witnesses analyzed whether the electric  
9 rates for Big Rivers’ members or their retail customers after a Big Rivers bankruptcy filing  
10 would be lower than the rates Big Rivers has proposed in this proceeding? If so, please provide  
11 all such analyses and all documents arising out of, related to, or concerning those analyses.

12 10. Is it the policy of the Attorney General of Kentucky that seeking relief from the  
13 Public Service Commission that is likely to force a utility into bankruptcy is an appropriate tactic  
14 to oppose a rate increase by that utility?

15 a. If so, please describe in detail the process undertaken by the Attorney General to  
16 develop this policy, including a description in detail of the communications the  
17 Attorney General had with Big Rivers, other public officials, lending institutions,  
18 financial ratings agencies, other utilities, and any other person in the course of  
19 developing this policy. Please provide a copy of all studies, analyses, and  
20 documents relied upon by the Attorney General to develop this policy.

21 b. If this is not the policy of the Attorney General, please explain in detail how Big  
22 Rivers could avoid bankruptcy if the Commission adopts the positions advanced  
23 by the Attorney General’s witnesses in this case.

- 1           11.    Refer to the Direct Testimony of Bion C. Ostrander at page 7.
- 2           a.    Please provide all studies upon which Mr. Ostrander relies to conclude that setting
- 3           rates based upon a 1.10 MFIR is reasonable, and likely to keep Big Rivers' MFIR
- 4           at or above 1.10 MFIR such that Big Rivers will remain in compliance with the
- 5           requirements of its credit documents and will continue to be able to provide the
- 6           certificates necessary to secure new debt under its Indenture.
- 7           b.    Identify and provide all Commission decisions in which the Commission has
- 8           based rates on less than a 1.24 MFIR or 1.24 TIER.
- 9           12.    Refer to the Direct Testimony of Bion C. Ostrander at page 11. Provide citations
- 10          to all cases in which the Commission has applied the known and measurable standard to a fully-
- 11          forecasted test period.
- 12          13.    Refer to the Direct Testimony of Bion C. Ostrander at page 18, lines 17-25 and at
- 13          page 40, line 16. Please list all data Mr. Ostrander claims Big Rivers failed to provide, and
- 14          provide a citation to the record where the information was requested.
- 15          14.    Refer to the Direct Testimony of Bion C. Ostrander at page 33, lines 1-16. Please
- 16          provide all analyses and other documents relied upon by Mr. Ostrander to evaluate the
- 17          anticipated impacts that the proposed "more protective covenants and controls" over BREC
- 18          would have upon attraction and retention of skilled and experienced employees at Big Rivers.
- 19          15.    Refer to the Direct Testimony of Bion C. Ostrander at page 53, line 13. Please
- 20          list the supporting information Mr. Ostrander claims was requested but not provided, and provide
- 21          a citation to the record where the information was requested.
- 22          16.    Refer to the Direct Testimony of Bion C. Ostrander at page 54, lines 22-24.
- 23          Please provide a citation to record for referenced invoice.

1           17.    Refer to the Direct Testimony of Bion C. Ostrander at page 54, lines 26-27.  
2 Identify all legal invoices Mr. Ostrander believes exist but have not been provided by Big Rivers.

3           18.    Refer to the Direct Testimony of Bion C. Ostrander at page 54, lines 34-37.  
4 Identify all contracts and engagement letters Mr. Ostrander believes should have been provided  
5 but were not provided by Big Rivers.

6           19.    Identify each outside professional, including legal counsel and consultants, the  
7 Attorney General has retained related to this case. Please produce a copy of the engagement  
8 letter or other document(s) describing the scope, terms, and fees applicable your engagement of  
9 any outside professionals, including all legal counsel and consultants, related to this case.

10          20.    Provide all costs related to this case incurred to date for each outside professional  
11 identified in the Attorney General's response to the previous Item of these requests, and provide  
12 an estimate of the total costs related to this case that you will incur for each such outside  
13 professional.

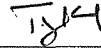
14          21.    Please provide a copy of all documents showing communications between the  
15 Attorney General (or his agents, employees, or witnesses) and any representative of another  
16 intervenor regarding, arising out of, or related to this case.

17          22.    Please provide a copy of all documents showing communications between the  
18 Attorney General (or his agents, employees, or witnesses) and any person not a party to this case  
19 regarding, arising out of, or related to this case.

20

1 On this the 31<sup>st</sup> day of May, 2013.

2 Respectfully submitted,

3  
4  
5 

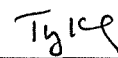
6 \_\_\_\_\_  
7 James M. Miller  
8 Tyson Kamuf  
9 SULLIVAN, MOUNTJOY, STAINBACK  
10 & MILLER, P.S.C.  
11 100 St. Ann Street  
12 P. O. Box 727  
13 Owensboro, Kentucky 42302-0727  
14 Phone: (270) 926-4000  
15 Facsimile: (270) 683-6694  
16 jmillersmsmlaw.com  
17 tkamuf@smsmlaw.com

18 Edward T. Depp  
19 Dinsmore & Shohl LLP  
20 101 South Fifth Street  
21 Suite 2500  
22 Louisville, KY 40202  
23 Phone: (502) 540-2347  
24 Facsimile: (502) 585-2207  
25 tip.depp@dinsmore.com

26  
27 Counsel for Big Rivers Electric Corporation  
28

29  
30 **Certificate of Notice**

31  
32 I certify that a true and accurate copy of the foregoing was served by first class mail,  
33 postage prepaid, by Federal Express, or by hand delivery, upon the persons listed on the service  
34 list accompanying this response, on this the 31<sup>st</sup> day of May, 2013.  
35

36  
37 

38 \_\_\_\_\_  
39 Tyson Kamuf

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 **BIG RIVERS ELECTRIC CORPORATION'S FIRST REQUEST FOR INFORMATION**  
13 **TO KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**  
14

15 Big Rivers Electric Corporation submits these first requests for information to Kentucky  
16 Utility Industrial Utility Customers, Inc., to be answered in accordance with the following  
17 Definitions and Instructions.

18 **DEFINITIONS**

19 1. Whenever it is necessary to bring within the scope of these information requests  
20 documents that otherwise might be construed to be outside their scope (1) the use of "and" as  
21 well as "or" shall be construed both disjunctively and conjunctively; (2) the use of a word in its  
22 singular form shall be construed to include within its meaning its plural form as well, and vice  
23 versa; (3) the use of "include" and "including" shall be construed to mean "without limitation";  
24 and (4) the use of a verb in any tense or voice shall be construed as the use of that verb in all  
25 other tenses and voices.

26 2. "Big Rivers" means Big Rivers Electric Corporation.

27 3. "Aleris" means Aleris International, Inc., Rolled Products North America of  
28 Aleris International, Inc., and the agents, officers, directors, and employees of Aleris  
29 International, Inc. or Rolled Products North America of Aleris International, Inc.

1           4.       “Domtar” means Domtar Paper Company, LLC and the agents, officers, directors,  
2 and employees of Domtar Paper Company, LLC.

3           5.       “Kimberly Clark” means Kimberly Clark Corporation and the agents, officers,  
4 directors, and employees of Kimberly Clark Corporation.

5           6.       “KIUC,” “you,” or “your” means Kentucky Industrial Utility Customers, Inc.,  
6 Aleris, Domtar, Kimberly Clark, and the agents, officers, directors, employees, and consultants  
7 of KIUC, Aleris, Domtar, or Kimberly Clark.

8           7.       “Century” means Century Aluminum of Kentucky General Partnership.

9           8.       “Alcan” means Alcan Primary Products Corporation.

10          9.       “Commission” means the Kentucky Public Service Commission.

11          10.      “Document” means any written, recorded, transcribed, printed or impressed  
12 matter of whatever kind, however produced, stored or reproduced, including, but not limited to,  
13 sound or pictorial recordings, computerized information, books, pamphlets, letters, memoranda,  
14 telegrams, electronic or mechanical transmissions, communications of all kinds, reports, notes,  
15 working papers, handwritings, charts, papers, writings, printings, transcriptions, tapes and  
16 records of all kinds. Document includes, without limitation, all workpapers produced by or  
17 relied upon by the witness.

18          11.      “Person” includes a natural person, a business organization of any type, an  
19 unincorporated association, a governmental subdivision, agency, or entity, and a business trust.

20          12.      Wherever in these information requests you are asked to “identify,” you are  
21 requested:

22           a.       when identifying a person, to give such person’s:

23               (1)     full name,

- 1 (2) business address, residence address, and telephone number,  
2 (3) his or her present or last known position and business affiliation at  
3 the time in question, and  
4 (4) the nature of such person's participation in, and the scope of his  
5 responsibility with regard to, the facts and events underlying the  
6 present case;
- 7 b. when identifying an oral communication, to:
- 8 (1) identify the author thereof and the parties thereto,  
9 (2) state the date of the communication,  
10 (3) state the place of the communication,  
11 (4) state the substance of the communication, and  
12 (5) state whether such communication has been reduced to writing  
13 and, if so, identify each document and the present custodian  
14 thereof;
- 15 c. when identifying other information, to state:
- 16 (1) the source thereof,  
17 (2) any oral communications pertaining thereto,  
18 (3) any documents pertaining thereto, and  
19 (4) the substance of the information;
- 20 d. when identifying a document, to:
- 21 (1) identify the author thereof and the parties thereto,  
22 (2) state its title or other identifying data,



- 1 (3) state the date of the document or if no date appears thereon, the  
2 approximate date,  
3 (4) state the exact nature and substance thereof;  
4 (5) identify each person having possession, care, custody or control of  
5 the original and any copies thereof; and  
6 (6) if such document was, but no longer is, in your possession or  
7 subject to your control, state what disposition was made of it.  
8

9 INSTRUCTIONS

- 10 1. If any document called for by any of these data requests is withheld based upon a  
11 claim of privilege or work product, please produce so much of the document as to which you do  
12 not claim privilege or protection, and for each document or part of a document for which you  
13 claim privilege or protection, describe or identify:
- 14 a. The nature, subject matter and substance of the document or part of the  
15 document withheld;
  - 16 b. The nature of the privilege or protection claimed;
  - 17 c. The date, author or authors, addressee or addressees, and distribution of  
18 the document;
  - 19 d. Each person in whose possession, custody or control any copy of the  
20 document is or has been; and
  - 21 e. Paragraph number of the schedule of documents to which the document or  
22 part of the document is responsive.

1           2.     If, for reasons other than a claim of privilege or work product, you refuse to  
2 answer any data request or to produce any document requested, state the grounds upon which the  
3 refusal is based with sufficient specificity to permit a determination of the propriety of such  
4 refusal.

5           3.     If any copy of any document requested herein or any record which refers or  
6 relates to any document requested herein has been destroyed or lost, set forth to the extent  
7 possible the content of each such document, the date such document and its copies were  
8 destroyed or lost and, if destroyed, the identity of the person authorizing such destruction, and  
9 the identity of the last known custodian of such document prior to its destruction.

10          4.     These data requests shall be deemed continuing and you should serve upon Big  
11 Rivers' counsel (1) supplemental responses to these data requests if additional information or  
12 information that changes your response to any data request is obtained during the course of this  
13 proceeding, and (2) any documents requested herein that become available or that are discovered  
14 after the date your responses to these data requests are due.

15

16

DATA REQUESTS

17          1.     Please identify, by name and address, all entities and individuals that KIUC  
18 purports to represent in this proceeding.

19          2.     For the period from January 1, 2012, forward, please provide a copy of all  
20 correspondence related to this case or to other Big Rivers' rate changes between (i) KIUC,  
21 Aleris, Domtar, Kimberly Clark, or any other entity or person identified in the response to Item 1  
22 above and (ii) any other entity.

1           3.       Please produce all documents, including without limitation correspondence and  
2 calculations, in the possession, custody, or control of any entity identified in the response to Item  
3 1 above that pertain to KIUC's (or its members', witnesses', consultants' and advisors') analysis  
4 regarding Tab 59 of Big Rivers' application in the proceeding.

5           4.       For all entities and individuals identified in the response to Item 1 above, and for  
6 Domtar, Aleris, and Kimberly Clark:

7           a.       Please designate—by name, position, and contact information—a witness or  
8 witnesses who consent to testify on each entity's behalf on all matters related to  
9 this proceeding.

10          b.       Of each such entity's total operating expenses for its facilities served indirectly by  
11 Big Rivers, please state what percentage of those expenses constitute electricity  
12 costs for each of the past three calendar years. Electricity procured from sources  
13 other than Kenergy Corp. should be excluded from this calculation. Provide this  
14 data separately for each entity's facilities, by facility and by total entity.

15          5.       The Fair Rates Kentucky "About Us" webpage located at  
16 <http://www.fairratesky.com/about-us.html> describes Fair Rates Kentucky as "a new coalition of  
17 Western Kentucky utility consumers, both businesses and individual customers . . . ." Please  
18 identify all referenced businesses and individuals, and identify the relationship of any such  
19 individuals to any member of KIUC.

20          6.       Refer to the Direct Testimony of Lane Kollen at page 8, lines 11-12. Please  
21 quantify the specific impact you attribute to each of the alleged FAC and ECR "related  
22 increases." Provide all calculations in electronic format with formulas intact.

1           7.       Refer to the Direct Testimony of Lane Kollen at page 9, lines 3-6. Provide all  
2 calculations for the purported rate increases described therein in electronic format with formulas  
3 intact.

4           8.       Refer to the Direct Testimony of Lane Kollen at page 9, lines 7-8, where Mr.  
5 Kollen references “the Company’s proposal to use additional amounts from the Economic  
6 Reserve.” Provide a citation to Big Rivers’ application where Mr. Kollen claims Big Rivers  
7 makes such a proposal.

8           9.       Refer to the Direct Testimony of Lane Kollen at page 9, lines 11-13, where Mr.  
9 Kollen alleges, “If this Century rate increase is approved in its entirety, then the residential  
10 customers served by Kenergy, Meade County and Jackson Purchase will have the highest rates in  
11 Kentucky.” Please provide a comparison of the rates of Kenergy, Meade County, and Jackson  
12 Purchase to all other retail electric service providers in Kentucky, and for each rate in the  
13 comparison:

- 14           a. Identify the basis, applicable time period, and the source of information for the  
15           rate.
- 16           b. Identify the date of each rate became effective, state whether the rate is still  
17           effective, and if not still effective, provide the date that the rate was no longer in  
18           effect and the current rate for that electric service provider.
- 19           c. Provide the current, corresponding demand charge; provide the current,  
20           corresponding energy charge; provide every other current rider or other charge  
21           applicable to the rate; provide a notation as to whether the electric service  
22           provider is currently seeking or has given notice of its intent to seek a change in  
23           any of those charges, along with an indication of what the proposed new charge

1           would be; and provide a reference to each such proceeding where such permission  
2           is being (or is intended to be) sought.

3           d. Explain in detail your methodology and assumptions used in determining the rate,  
4           provide all workpapers and related documents, and provide all calculations in  
5           electronic format with formulas intact.

6           10. Refer to the Direct Testimony of Lane Kollen at page 10, lines 1-3. Please  
7           provide the basis for the percentages listed, explain in detail the methodology and assumptions  
8           used in developing the percentages, and provide all calculations in electronic format with  
9           formulas intact.

10          11. Refer to the Direct Testimony of Lane Kollen at page 10, line 8. Please explain  
11          how the Alcan termination causes the Economic Reserve to be depleted earlier than it otherwise  
12          would.

13          12. Refer to the Direct Testimony of Lane Kollen at page 10, line 12. Please provide  
14          the basis for Mr. Kollen's conclusion that the Rural Economic Reserve could be depleted in  
15          2016, provide all workpapers and assumptions, and provide all calculations in electronic format  
16          with formulas intact.

17          13. Refer to the Direct Testimony of Lane Kollen at page 10, lines 13-15. Please  
18          provide each citation to the record in Case No. 2007-00455 supporting Mr. Kollen's claim that  
19          "Big Rivers repeatedly assured the Commission that if one or both Smelters terminated their  
20          contracts, the remaining customers would not be harmed."

21          14. Refer to the Direct Testimony of Lane Kollen beginning at page 15, line 11,  
22          through page 16, line 2. Please provide all supporting documents for the assertion that the FAC  
23          rate increases are due largely to increases in average fuel cost per kWh resulting from the layup

1 of Wilson. Provide the amount of FAC rate increases Mr. Kollen claims are due largely to  
2 increases in average fuel costs resulting from the layup of Wilson. Provide all workpapers and  
3 supporting documents. Provide all calculations in electronic format with formulas intact.

4 15. Refer to the Direct Testimony of Lane Kollen at page 31, lines 13-14. Mr. Kollen  
5 states that “the stranded costs resulting from market changes typically are shared among  
6 impacted parties.” Please provide the basis for this statement and any relevant Kentucky  
7 statutes, regulations, or Commission orders that support this assertion.

8 16. Refer to the Direct Testimony of Lane Kollen at page 42. Please provide all  
9 assumptions, workpapers, and supporting documents for the rates listed on this page. Provide all  
10 calculations in electronic format with formulas intact.

11 17. Refer to the chart on page 51 of Mr. Kollen’s testimony. Please provide a chart  
12 including similar rates for the East Kentucky Power Cooperative member cooperatives and the  
13 cooperatives in Kentucky served by the Tennessee Valley Authority. Also provide a similar  
14 chart comparing the large industrial rates of Big Rivers and all other utilities in the  
15 Commonwealth of Kentucky, including the large industrial rates for the East Kentucky Power  
16 Cooperative member cooperatives and the cooperatives in Kentucky served by the Tennessee  
17 Valley Authority at present and at August 21, 2013.

18 18. Refer to the Direct Testimony of Lane Kollen at page 51. Please provide the  
19 referenced SNL financial database. Please provide this information updated to reflect rates to be  
20 in effect for the annualized period of Sept 2013 through Aug 2014.

21 19. Refer to the Direct Testimony of Lane Kollen at page 63, line 11. Please provide  
22 all depreciation manuals or policies and similar documents upon which Mr. Kollen bases his  
23 conclusion that it would be appropriate for Big Rivers to cease depreciation on Wilson.

1           20.     Refer to the Direct Testimony of Lane Kollen at page 68, line 6. Please provide  
2 the referenced SNL Energy Regional Reserve Margin Outlook.

3           21.     Please provide Exhibit LK-2 and Exhibit LK-3 in electronic format with formulas  
4 intact.

5           22.     Identify each outside professional, including legal counsel and consultants, you  
6 have retained related to this case. Please produce a copy of the engagement letter or other  
7 document(s) describing the scope, terms, and fees applicable your engagement of any outside  
8 professionals, including all legal counsel and consultants, related to this case.

9           23.     Provide all costs related to this case incurred to date for each outside professional  
10 identified in your response to the previous Item of these requests, and provide an estimate of the  
11 total costs related to this case that you will incur for each such outside professional.

12          24.     Please provide a copy of all documents showing communications between you  
13 and any representative of another intervenor regarding, arising out of, or related to this case.

14          25.     Please provide a copy of all documents showing communications between or  
15 among any of KIUC, Aleris, Domtar, Kimberly Clark, and your witnesses regarding, arising out  
16 of, or related to this case.

17          26.     Please provide a copy of all documents showing communications between or  
18 among you, your witnesses, and any person not a party to this case regarding, arising out of, or  
19 related to this case.

20          27.     Refer to the Direct Testimony of Kelly Thomas. Does Ms. Thomas believe  
21 forcing Big Rivers to file for bankruptcy protection will guarantee low cost, stable electricity  
22 rates? Please explain the response in detail.

1           28.     Refer to the Direct Testimony of Kelly Thomas. Does Ms. Thomas believe  
2 forcing Big Rivers to file for bankruptcy protection provides predictability in Aleris' electricity  
3 rates? Please explain the response in detail.

4           29.     Refer to the Direct Testimony of Kelly Thomas at page 3, line 13. Please provide  
5 all studies and other documents that support the claims that Aleris' rates are not competitive.

6           30.     Refer to the Direct Testimony of Kelly Thomas at page 4, lines 1-3 and 17-18.  
7 Please describe the investment options and new lines of business Aleris is considering. Has  
8 Aleris made a determination to deny any investment options or new lines of business at the  
9 Aleris Hawesville facility as a result of the rates Big Rivers is proposing in this case? Provide all  
10 communications and other documents evidencing all such determinations.

11          31.     Provide the effective, all-in power rate, by electric service provider, of each Aleris  
12 facility for each of the last three calendar years.

13          32.     Refer to the Direct Testimony of Kelly Thomas at page 5, lines 10-12. Provide  
14 supporting workpapers, assumptions, calculations, and related documents for the claimed 30%  
15 increase.

16          33.     Refer to the Direct Testimony of Kelly Thomas testimony at page 6, lines 17-18,  
17 where Ms. Thomas claims, "Aleris is unable to assess the viability of capital expenditures and  
18 other budgeting considerations at the Lewisport plant." Provide a list of capital expenditures that  
19 have been delayed because Big Rivers did not quantify the amount of the Alcan rate increase.  
20 Provide all communications and other documents evidencing such delay.

21           a.     Is it Ms. Thomas' position that Aleris will be able to assess the viability of capital  
22 expenditures if Big Rivers is forced into bankruptcy? If so, when in the  
23 bankruptcy process will Aleris be comfortable making such assessment?



1           34.     Refer to the Direct Testimony of Kelly Thomas, at page 6, lines 7-11. Ms.  
2 Thomas asserts that Big Rivers has proposed that its “remaining customers . . . pay for 100% of  
3 the capacity that was built to provide service to other customers.” Please provide all documents  
4 and information that form the basis for the assertion that such capacity was built to provide  
5 service to other customers.

6           35.     Refer to the Direct Testimony of Kelly Thomas, at page 7, lines 11-12. Ms.  
7 Thomas testifies that “[r]emaining customers cannot afford to pay for the excess generating  
8 capacity that was built to serve the smelters.”

9           a.     Please provide all communications, documents, and other information that form  
10 the basis for Ms. Thomas’ assertion.

11           b.     Please state whether Aleris will be unable to pay its power bill to Kenergy Corp.  
12 if the Commission approves the rates proposed by Big Rivers in this proceeding.

13           36.     Refer to the Direct Testimony of Bill Cummings at page 3, lines 7-9, where he  
14 says that “[w]hen all rate elements are taken into account the impact of Big Rivers’ rate case  
15 filing would result in a nearly 30% rate increase to Large Industrial customers such as Kimberly  
16 Clark.” Please provide all workpapers, assumptions, calculations, and related documents that  
17 form the basis or support this assertion.

18           37.     Please refer to page 4, lines 8-9 of Mr. Cummings’s testimony regarding potential  
19 future rate changes. Mr. Cummings testifies that “[a]ccording to Mr. Kollen’s calculations this  
20 increase may be in the range of an additional 48% to 62% to Large Industrial customers . . . .”

21           a.     Please explain in detail the basis for this estimate.

22           b.     Please provide all workpapers, calculations, documents, and information that form  
23 the basis for this estimate.

1           38.     Refer to the Direct Testimony of Bill Cummings at page 4, lines 12-13. Please  
2 provide all workpapers, assumptions, calculations, and supporting documents for the claimed  
3 90% rate increase.

4           39.     Refer to the Direct Testimony of Bill Cummings at page 4, lines 21-23, where he  
5 says that large industrial ratepayers will consider both cases when making investment decisions.  
6 List all investment decisions that Kimberly Clark has changed because of the rate increase  
7 proposed by Big Rivers in this case. Provide all communications and other documents  
8 evidencing such decisions.

9           40.     Refer to the Direct Testimony of Bill Cummings at page 5, lines 21-22, where he  
10 says that capital investments could bypass the Owensboro mill. List all such investment  
11 decisions that have bypassed the Owensboro mill as a result of Big Rivers' proposed increase.  
12 Provide all communications and other documents evidencing that investment decisions have  
13 bypassed the Owensboro mill as a result of Big Rivers' proposed increase.

14           41.     Refer to the Direct Testimony of Bill Cummings at page 6, line 23. Please  
15 provide all assumptions, calculations, workpapers, and related documents supporting the claim  
16 that the Rural increase will be 108%.

17           42.     For Kimberly Clark, please state the costs it (or its subsidiary or affiliate) incurred  
18 to install the generation facilities described on page 6 of Mr. Cummings' testimony. Describe all  
19 issues considered and provide all analyses performed in determining whether to install a  
20 generation facility at its Owensboro plant.

21           43.     Refer to the Direct Testimony of Bill Cummings at page 5, lines 8-9. Mr.  
22 Cummings testifies that “[r]ate increases of this magnitude will result in uncompetitive power  
23 rates for Owensboro Mill.” Please provide all documents and information that form the basis for

1 this assertion, identify the utilities that serve other Kimberly Clark’s facilities, and provide all-in  
2 rates paid by those facilities.

3 44. Refer to the Direct Testimony of Steve Henry at page 3, line 10. Provide all  
4 assumptions, workpapers, and related documents that form the basis for the alleged 32%  
5 increase. Provide all supporting calculations in electronic format with formulas intact.

6 45. Please provide the amount of power in MWh that Domtar cogenerated for each  
7 month in 2012 and 2013, excluding Backup Power. Provide the monthly cost of such  
8 cogenerated power for each month in 2012 and 2013, excluding Backup Power. Provide the  
9 amount of power in MWh that Domtar purchased from Kenergy Corp. for each month in 2012  
10 and 2013, excluding Backup Power. Provide the monthly cost of such purchased power for each  
11 month in 2012 and 2013, excluding Backup Power. Provide the amount of Backup Power in  
12 MWh that Domtar purchased for each month in 2012 and 2013. Provide the monthly cost of  
13 such Backup Power for each month in 2012 and 2013. Provide all supporting documents,  
14 workpapers, assumptions, and calculations.

15 46. Refer to the Direct Testimony of Steve Henry at page 6. Please explain how “buy  
16 all/sell all” agreements affect the calculation of power rate costs and identify the states in which  
17 these facilities are located. Indicate if these states have mandatory Renewables Standards.

18 47. Please produce the following information regarding each of the company affiliates  
19 whose power costs are discussed in the testimonies of the testifying representatives of Aleris,  
20 Domtar, and Kimberly Clark:

21 a. Location of each facility.

22 b. Power supplier to each facility.

1 c. Effective date of the rates for electric service identified in the representative's  
2 testimony.

3 d. Any proposed electric rate increases by the electric utility serving each facility  
4 and the estimated percentage of the increase being sought.

5 48. Please provide the percentage of the production cost of the Aleris Hawesville  
6 facility that is represented by the cost of retail electric service from Kenergy Corp. in each month  
7 of the years 2012 and 2013.

8 49. Please provide the percentage of the production cost of the Domtar Hawesville  
9 facility that is represented by the cost of retail electric service from Kenergy Corp. in each month  
10 of the years 2012 and 2013.

11 50. Please provide the percentage of the production cost of the Kimberly Clark  
12 Owensboro mill that is represented by the cost of retail electric service from Kenergy Corp. in  
13 each month of the years 2012 and 2013.

14 51. For each of Aleris, Domtar, and Kimberly Clark, please provide the "all-in"  
15 effective electrical rates each paid during each year 2010, 2011, and 2012 at their respective  
16 plants in the United States that are comparable to those described in their testimonies.

17 52. Please refer to the Direct Testimony of Steve Henry at page 7, lines 12-14. Mr.  
18 Henry testifies that "[a]ny increase in the cost of production at Hawesville increases the  
19 likelihood that we may be asked to temporarily halt production."

20 a. Has Domtar developed any plans to temporarily halt production as a result of the  
21 rate change Big Rivers is proposing in this proceeding?

22 b. If the response to subpart [a] above is affirmative, please explain that decision in  
23 detail and provide all communications, documents, and other information that

1 form the basis for or describe that decision and the date on which the plan was  
2 established.

3 c. How many times since January 1, 2010, has Domtar instructed that the  
4 Hawesville facility temporarily halt production?

5 d. If the response to subpart [c] above is greater than zero, for each temporary halt of  
6 production, please explain why production was temporarily halted.

7 e. Does Domtar currently have any planned or scheduled temporary halts to  
8 production at the Hawesville facility unrelated to the rate change at issue in this  
9 proceeding?

10 f. If the response to subpart [e] above is affirmative, please explain why each  
11 identified temporary halt to production at the Hawesville facility has been planned  
12 or scheduled.

13 g. Does Domtar cease depreciation expense, loan principal payments, interest  
14 expenses and property taxes on a plant when that plant is directed to temporarily  
15 halt production? If not, please explain why not.

16 53. Please refer to the Direct Testimony of Steve Henry at page 7, lines 14-16. Mr.  
17 Henry testifies that “these increases jeopardize access to what should be Hawesville’s share of  
18 corporate capital funding for projects needed to keep our manufacturing processes both modern  
19 and competitive.”

20 a. Please provide all communications and other documents that support this  
21 statement.

22 b. Please clarify whether the referenced “increases” refers to only the rate changes  
23 sought in Big Rivers’ application in this matter.

1 c. Has Domtar reduced, planned to reduce, or announced a reduction in  
2 “Hawesville’s share of corporate capital funding” as a result of the rate changes at  
3 issue in this proceeding?

4 d. Please quantify the amount that “should be Hawesville’s share of corporate  
5 capital funding for projects needed to keep our manufacturing processes both  
6 modern and competitive,” and please explain whether the cost of electricity is the  
7 sole determinant in that decision. If electricity cost is but one component, please  
8 identify all other components that are considered in that decision-making process.

9 54. Please provide all employee newsletters and similar documents related to the  
10 Domtar Hawesville facility since January 1, 2010.

11 55. Please provide a comparison of all budgeted and actual Operating and  
12 Maintenance and Capital expenditures for the Domtar Hawesville facility for the past three  
13 calendar years.

14 56. Please refer to the Direct Testimony of Steve Henry at page 8, lines 10-11. Mr.  
15 Henry testifies that Domtar “cannot afford to pay for 100% of the costs incurred to serve other  
16 customers while Big Rivers’ creditors recoup 100% of their investments.”

17 a. Please provide all communications, documents, and other information that form  
18 the basis for Mr. Henry’s assertion.

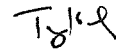
19 b. Please state whether Domtar will be unable to pay its power bill to Kenergy Corp.  
20 if the Commission approves the rates proposed by Big Rivers in this proceeding

21 c. Please state whether Domtar has asked or plans to ask its creditors to make  
22 concessions to Domtar to offset increased costs if Big Rivers’ proposed rate  
23 increase is approved. If not, fully explain why not.

1           57.     Provide the analysis performed by any and all parties to justify the recently  
2 announced capital investment by Domtar. Did such analyses include and/or consider the rate  
3 increase being requested in this rate case? If not, why not? If so, what impact did the anticipated  
4 rate increase have on the final decision?  
5

6           On this the 31<sup>st</sup> day of May, 2013.  
7

8                             Respectfully submitted,  
9

10                              
11

12                            \_\_\_\_\_  
13 James M. Miller  
14 Tyson Kamuf  
15 SULLIVAN, MOUNTJOY, STAINBACK  
16 & MILLER, P.S.C.  
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20 Phone: (270) 926-4000  
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29 Phone: (502) 540-2347  
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31 tip.depp@dinsmore.com  
32

33                            Counsel for Big Rivers Electric Corporation  
34  
35  
36

Certificate of Notice

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9

I certify that a true and accurate copy of the foregoing was served by first class mail, postage prepaid, by Federal Express, or by hand delivery upon the persons listed on the service list accompanying this response, on this the 31<sup>st</sup> day of May, 2013.

Tyson Kamuf  
Tyson Kamuf



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 **BIG RIVERS ELECTRIC CORPORATION'S FIRST REQUEST FOR INFORMATION**  
13 **TO BEN TAYLOR AND SIERRA CLUB**  
14

15 Big Rivers Electric Corporation submits these first requests for information to Ben Taylor  
16 and Sierra Club, to be answered in accordance with the following Definitions and Instructions.

17 DEFINITIONS

18 1. Whenever it is necessary to bring within the scope of these information requests  
19 documents that otherwise might be construed to be outside their scope (1) the use of "and" as  
20 well as "or" shall be construed both disjunctively and conjunctively; (2) the use of a word in its  
21 singular form shall be construed to include within its meaning its plural form as well, and vice  
22 versa; (3) the use of "include" and "including" shall be construed to mean "without limitation";  
23 and (4) the use of a verb in any tense or voice shall be construed as the use of that verb in all  
24 other tenses and voices.

25 2. "Big Rivers" means Big Rivers Electric Corporation.

26 3. "Sierra Club," "you," or "your" means Ben Taylor, Ben Taylor's agents and  
27 consultants, Sierra Club, and Sierra Club's agents, officers, directors, employees, and  
28 consultants.

29 4. "Century" means Century Aluminum of Kentucky General Partnership.

30 5. "Alcan" means Alcan Primary Products Corporation.

1           6.       “Commission” means the Kentucky Public Service Commission.

2           7.       “Document” means any written, recorded, transcribed, printed or impressed  
3 matter of whatever kind, however produced, stored or reproduced, including, but not limited to,  
4 sound or pictorial recordings, computerized information, books, pamphlets, letters, memoranda,  
5 telegrams, electronic or mechanical transmissions, communications of all kinds, reports, notes,  
6 working papers, handwritings, charts, papers, writings, printings, transcriptions, tapes and  
7 records of all kinds. Document includes, without limitation, all workpapers produced by or  
8 relied upon by the witness.

9           8.       “Person” includes a natural person, a business organization of any type, an  
10 unincorporated association, a governmental subdivision, agency, or entity, and a business trust.

11          9.       Wherever in these information requests you are asked to “identify,” you are  
12 requested:

13           a.       when identifying a person, to give such person’s:

14                   (1)     full name,

15                   (2)     business address, residence address, and telephone number,

16                   (3)     his or her present or last known position and business affiliation at  
17 the time in question, and

18                   (4)     the nature of such person’s participation in, and the scope of his  
19 responsibility with regard to, the facts and events underlying the  
20 present case;

21           b.       when identifying an oral communication, to:

22                   (1)     identify the author thereof and the parties thereto,

23                   (2)     state the date of the communication,

- 1 (3) state the place of the communication,  
2 (4) state the substance of the communication, and  
3 (5) state whether such communication has been reduced to writing  
4 and, if so, identify each document and the present custodian  
5 thereof;

6 c. when identifying other information, to state:

- 7 (1) the source thereof,  
8 (2) any oral communications pertaining thereto,  
9 (3) any documents pertaining thereto, and  
10 (4) the substance of the information;

11 d. when identifying a document, to:

- 12 (1) identify the author thereof and the parties thereto,  
13 (2) state its title or other identifying data,  
14 (3) state the date of the document or if no date appears thereon, the  
15 approximate date,  
16 (4) state the exact nature and substance thereof;  
17 (5) identify each person having possession, care, custody or control of  
18 the original and any copies thereof; and  
19 (6) if such document was, but no longer is, in your possession or  
20 subject to your control, state what disposition was made of it.

21

1 INSTRUCTIONS

2 1. If any document called for by any of these data requests is withheld based upon a  
3 claim of privilege or work product, please produce so much of the document as to which you do  
4 not claim privilege or protection, and for each document or part of a document for which you  
5 claim privilege or protection, describe or identify:

- 6 a. The nature, subject matter and substance of the document or part of the  
7 document withheld;
- 8 b. The nature of the privilege or protection claimed;
- 9 c. The date, author or authors, addressee or addressees, and distribution of  
10 the document;
- 11 d. Each person in whose possession, custody or control any copy of the  
12 document is or has been; and
- 13 e. Paragraph number of the schedule of documents to which the document or  
14 part of the document is responsive.

15 2. If, for reasons other than a claim of privilege or work product, you refuse to  
16 answer any data request or to produce any document requested, state the grounds upon which the  
17 refusal is based with sufficient specificity to permit a determination of the propriety of such  
18 refusal.

19 3. If any copy of any document requested herein or any record which refers or  
20 relates to any document requested herein has been destroyed or lost, set forth to the extent  
21 possible the content of each such document, the date such document and its copies were  
22 destroyed or lost and, if destroyed, the identity of the person authorizing such destruction, and  
23 the identity of the last known custodian of such document prior to its destruction.

1           4.       These data requests shall be deemed continuing and you should serve upon Big  
2       Rivers' counsel (1) supplemental responses to these data requests if additional information or  
3       information that changes your response to any data request is obtained during the course of this  
4       proceeding, and (2) any documents requested herein that become available or that are discovered  
5       after the date your responses to these data requests are due.

6

7

DATA REQUESTS

8           1.       Refer to the Direct Testimony of Frank Ackerman at page 4, lines 19-21. Please  
9       identify and provide all studies or other documents that show the electric rates for Big Rivers'  
10       members or their retail customers after a Big Rivers bankruptcy filing would be lower than the  
11       rates Big Rivers has proposed in this proceeding.

12          2.       Is it Sierra Club's position that Big Rivers should pursue selling or retiring its  
13       generating plants and rely on purchased power to serve its members? If so,

14               a.       Please identify all risks to Big Rivers, its members, and the members' retail  
15               customers of Big Rivers relying on purchased power to serve its members.

16               b.       Please identify and provide all studies and other documents upon which Mr.  
17               Ackerman relies in assuming that the wholesale market rates for power will  
18               remain relatively low and stable for the remaining useful life of Big Rivers'  
19               generating plants.

20               c.       Please describe the long term risk mitigation strategy Big Rivers should employ to  
21               provide reasonably priced power to its members and the members' retail  
22               customers if Big Rivers were to dispose of its generating capacity.

1           3.       Refer to the Direct Testimony of Frank Ackerman at page 29, lines 9-10, where  
2 he states that he was not able to calculate the cost of post-bankruptcy service for Big Rivers'  
3 customers "within the tight time frame of this case." Please identify all other regulatory, legal,  
4 or other proceedings in which Mr. Ackerman has calculated the cost of post-bankruptcy service  
5 for a utility's customers, along with a detailed description of the methodology used in those  
6 matters and the time required to complete those calculations, and provide a copy of any written  
7 testimony Mr. Ackerman filed in such proceedings.

8           4.       Please provide a detailed description of Mr. Ackerman's expertise and experience  
9 in each of: (i) electric utility restructuring; (ii) Chapter 11 bankruptcies; (iii) Chapter 7  
10 bankruptcies; and (iv) electric cooperative management.

11          5.       Please provide a copy of all documents showing communications between you  
12 and any representative of another intervenor regarding, arising out of, or related to this case.

13          6.       Please provide a copy of all documents showing communications between you  
14 and any person not a party to this case regarding, arising out of, or related to this case.

15          7.       With respect to ACES' price projections discussed in the Direct Testimony of  
16 Frank Ackerman at page 23, does Sierra Club contend that the ACES projections are reasonable  
17 or unreasonable? Please explain in detail the basis for your response, and identify and provide  
18 any documents supporting or relied upon for your response.

19          8.       Has Sierra Club evaluated whether the possibility of increased environmental  
20 regulation associated with "fracking" in connection with the production of natural gas could  
21 increase the market price and/or decrease the supply of natural gas fuel? If so, please describe  
22 the conclusions of that evaluation in detail, and provide all studies and other documents

1 supporting those conclusions. Please state in detail Sierra Club’s position on the practice of  
2 “fracking” in connection with the production of natural gas.

3 9. Has Sierra Club evaluated whether increased exports of natural gas could increase  
4 the market price of natural gas fuel? If so, please describe the conclusions of that evaluation in  
5 detail, and provide all studies and other documents supporting those conclusions.

6 10. Refer to the Direct Testimony of Frank Ackerman at page 8, lines 3-4. Please  
7 state the time period for which Mr. Ackerman projects the price of natural gas will be “low.”  
8 Provide all studies and supporting documents that support this conclusion.

9 11. Identify each outside professional, including legal counsel and consultants, you  
10 have retained related to this case. Please produce a copy of the engagement letter or other  
11 document(s) describing the scope, terms, and fees applicable to your engagement of any outside  
12 professionals, including all legal counsel and consultants, related to this case.

13 12. Provide all costs related to this case incurred to date for each outside professional  
14 identified in your response to Item 10 of these requests, and provide an estimate of the total costs  
15 related to this case that you will incur for each such outside professional.

16

1 On this the 31<sup>st</sup> day of May, 2013.

2  
3 Respectfully submitted,

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6 

7 \_\_\_\_\_  
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26 tip.depp@dinsmore.com

27  
28 Counsel for Big Rivers Electric Corporation  
29

30  
31 **Certificate of Notice**

32  
33 I certify that a true and accurate copy of the foregoing was served by first class mail,  
34 postage prepaid, by Federal Express, or by hand delivery upon the persons listed on the service  
35 list accompanying this response, on this the 31<sup>st</sup> day of May, 2013.

36  
37  
38 

39 \_\_\_\_\_  
Tyson Kamuf