ATTORNEYS AT LAW

Ronald M. Sullivan Jesse T. Mountjoy Frank Stainback James M. Miller Michael A. Fiorella R. Michael Sullivan Bryan R. Reynolds* Tyson A. Kamuf Mark W. Starnes C. Ellsworth Mountjoy John S. Wathen

*Also Licensed in Indiana

September 9, 2014

RECEIVED

SEP 1 0 2014

PUBLIC SERVICE COMMISSION

Via Federal Express

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

> RE: BIG RIVERS ELECTRIC CORPORATION'S FILING OF WHOLESALE CONTRACTS PURSUANT TO KRS 278.180 AND 807 KAR 5:011 §13, CASE NO. 2014-00134

Dear Mr. Derouen:

Enclosed for filing are an original and ten (10) copies of (i) Big Rivers Electric Corporation's First Request for Information to the Kentucky Industrial Utility Customers, Inc.; and (ii) Big Rivers Electric Corporation's First Request for Information to the Attorney General.

Big Rivers' First Request for Information to Kentucky Industrial Utility Customers, Inc. contains information for which Big Rivers sought confidential treatment in its petition for confidential treatment filed April 4, 2014. That petition is still pending. Pursuant to 807 KAR 5:001 Section 13(9)(a), Big Rivers is submitting with this letter one (1) sealed copy of the pages containing confidential information with the confidential information highlighted, and an original and ten (10) copies of the information requests with the confidential information redacted.

I certify that on this date a copy of this letter and a copy of the requests for information were served on each of the persons listed on the attached service list by either regular mail or by federal express.

Telephone (270) 926-4000 Telecopier (270) 683-6694

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

Mr. Jeff Derouen September 9, 2014 Page 2 of 2

Sincerely yours,

James m. mille-

James M. Miller Counsel for Big Rivers Electric Corporation

JMM/lm Enclosures

cc: Billie Richert, Big Rivers Electric Corporation DeAnna Speed, Big Rivers Electric Corporation Service List

Service List PSC Case No. 2014-00134

Michael L. Kurtz Kurt J. Boehm Jody Kyler Cohn BOEHM, KURTZ & LOWRY 36 E. Seventh Street, Suite 1510 Cincinnati, OH 45202

Lawrence W. Cook Jennifer Black Hans Angela M. Goad Assistant Attorneys General 1024 Capital Center Drive Suite 200 Frankfort, KY 40601-8204

| 1 2 | COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 2 3 4 | SEP 10 2014 |
| 5 | In the Matter of: PUBLIC SERVICE COMMISSION |
| 7 8 9 | BIG RIVERS ELECTRIC CORPORATION'S) FILING OF WHOLESALE CONTRACTS PURSUANT) Case No. 2014-00134 TO KRS 278.180 AND 807 KAR 5:011 §13) |
| 10 11 | |
| 12 13 | BIG RIVERS ELECTRIC CORPORATION'S FIRST REQUEST FOR INFORMATION TO THE ATTORNEY GENERAL |
| 14 | TO THE ATTORNET OFFICEARD |
| 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. "Nebraska Entity" or "Nebraska Entities" means one or more of Northeast |
| 29 | Nebraska Public Power District, the City of Wakefield, Nebraska and the City of Wayne, |
| 30 | Nebraska. |

| 1 | 5. | "Co | mmissic | on" means the Kentucky Public Service Commission. |
|----|--------------|------------|----------|----------------------------------------------------------------------|
| 2 | 6. | "Doc | cument" | means any written, recorded, transcribed, printed or impressed |
| 3 | matter of wl | hatever | kind, ho | wever produced, stored or reproduced, including, but not limited to, |
| 4 | sound or pic | ctorial re | ecording | s, computerized information, books, pamphlets, letters, memoranda |
| 5 | telegrams, e | lectroni | c or me | chanical transmissions, communications of all kinds, reports, notes, |
| 6 | working pap | pers, har | ndwritin | gs, charts, papers, writings, printings, transcriptions, tapes and |
| 7 | records of a | ll kinds. | Docun | nent includes, without limitation, all workpapers produced by or |
| 8 | relied upon | by the v | vitness. | |
| 9 | 7. | "Per | son" inc | ludes a natural person, a business organization of any type, an |
| 10 | unincorpora | ted asso | ciation, | a governmental subdivision, agency, or entity, and a business trust. |
| 11 | 8. | Whe | rever 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 a |
| 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, |
| | | | | |

| 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 18 the original and any copies thereof; and | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
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| 15approximate date,16(4)17(5)17(5) | |
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| 17 (5) identify each person having possession, care, custody or contro | |
| | |
| 18 the original and any copies thereof; and | of |
| | |
| 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 | |
| 22 | |

| 1 | | INSTRUCTIONS |
|----|---------------------|------------------------------------------------------------------------------------|
| 2 | 1. If | any document called for by any of these information requests is withheld based |
| 3 | upon a claim of p | privilege or work product, please produce so much of the document as to which |
| 4 | you do not claim | privilege or protection, and for each document or part of a document for which |
| 5 | you claim privile | ge 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 | с. | 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 inform | mation request or to produce any document requested, state the grounds upon |
| 17 | which the refusal | is based with sufficient specificity to permit a determination of the propriety of |
| 18 | such refusal. | |
| 19 | 3. If | any copy of any document requested herein or any record which refers or |
| 20 | relates to any doc | cument requested herein has been destroyed or lost, set forth to the extent |
| 21 | possible the conte | ent 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 | e last known custodian of such document prior to its destruction. |
| | | |

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

7

INFORMATION REQUEST

8 1. Please refer to page 3 of the Attorney General's Comments in Lieu of Testimony, 9 where the Attorney General states that "the Mitigation Plan is premised upon the sale of the Coleman and/or Wilson generating plants " Please provide a citation to the page and 10 11 paragraph of the confidential Mitigation Plan upon which the Attorney General relies in reaching 12 the conclusion that the Mitigation Plan is premised upon the sale of the Coleman and/or Wilson 13 generating plants. On this the 9th day of September, 2014. 14 Respectfully submitted, 15 16 17 sh. mille 18 19 nes M. Miller 20 Tyson Kamuf 21 SULLIVAN, MOUNTJOY, STAINBACK 22 & MILLER, P.S.C. 100 St. Ann Street 23 24 P. O. Box 727 Owensboro, Kentucky 42302-0727 25 Phone: (270) 926-4000 26

- 27 28
- 29

Facsimile: (270) 683-6694

jmiller@smsmlaw.com tkamuf@smsmlaw.com

| 1 | |
|----|---------------------------------------------------------------------------------------------------------|
| 2 | Counsel for Big Rivers Electric Corporation |
| 3 | |
| 4 | |
| 5 | Certificate of Service |
| 6 | |
| 7 | I certify that on this the 9 th day of September, 2014, I served a true and accurate copy of |
| 8 | the foregoing on the persons listed on the service list accompanying these information requests |
| 9 | by electronic mail and first class mail, postage prepaid. |
| 10 | |
| 11 | |
| 12 | Former M. millon |
| 13 | James M. Miller |
| 14 | |

| 1 | COMMONWEALTH OF KENTUCKY SEP 1 0 2014 BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY |
|---------|----------------------------------------------------------------------------------------------------|
| | SEP 10 2014 |
| 2 | SEP 10 2014 BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY In the Matter of: |
| 3 | In the Matter of: |
| 4 5 | BIG RIVERS ELECTRIC CORPORATION'S |
| 6 | FILING OF WHOLESALE CONTRACTS PURSUANT) Case No. 2014-00134 |
| 7 | TO KRS 278.180 AND 807 KAR 5:011 §13 |
| 8 | |
| 9 10 | BIG RIVERS ELECTRIC CORPORATION'S FIRST REQUEST FOR INFORMATION |
| 10 | TO THE KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. |
| 12 | |
| 13 | Big Rivers Electric Corporation submits these first requests for information to the |
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| 18 | well as "or" shall be construed both disjunctively and conjunctively; (2) the use of a word in its |
| 19 | singular form shall be construed to include within its meaning its plural form as well, and vice |
| 20 | versa; (3) the use of "include" and "including" shall be construed to mean "without limitation;" |
| 21 | and (4) the use of a verb in any tense or voice shall be construed as the use of that verb in all |
| 22 | other tenses and voices. |
| 23 | 2. "Big Rivers" means Big Rivers Electric Corporation. |
| 24 | 3. "KIUC," "you," or "your" means the Kentucky Industrial Utility Customers, Inc. |
| 25 | and its agents, officers, employees, and consultants. |
| 26 | 4. "Nebraska Entity" or "Nebraska Entities" means one or more of Northeast |
| 27 | Nebraska Public Power District, the City of Wakefield, Nebraska and the City of Wayne, |
| 28 | Nebraska. |
| | |

| 1 | 5. | "Co | ommissio | on" means the Kentucky Public Service Commission. |
|----|---------------|----------|-----------|-----------------------------------------------------------------------|
| 2 | 6. | "Do | cument" | means any written, recorded, transcribed, printed or impressed |
| 3 | matter of wh | natever | kind, ho | wever produced, stored or reproduced, including, but not limited to, |
| 4 | sound or pic | torial r | ecording | s, computerized information, books, pamphlets, letters, memoranda, |
| 5 | telegrams, el | lectron | ic or me | chanical transmissions, communications of all kinds, reports, notes, |
| 6 | working pap | ers, ha | ndwritin | gs, charts, papers, writings, printings, transcriptions, tapes and |
| 7 | records of al | l kinds | . Docun | nent includes, without limitation, all workpapers produced by or |
| 8 | relied upon l | by the v | witness. | |
| 9 | 7. | "Per | son" inc | ludes a natural person, a business organization of any type, an |
| 10 | unincorporat | ted asso | ociation, | a governmental subdivision, agency, or entity, and a business trust. |
| 11 | 8. | Whe | erever 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 | с. | 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 |
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| 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 | | | |
| 22 | | | |
| | | | |

| 1 | | | INSTRUCTIONS |
|----|-----------------|-------------|-------------------------------------------------------------------------------|
| 2 | 1. | If any d | locument called for by any of these information requests is withheld based |
| 3 | upon a claim | of privile | ege or work product, please produce so much of the document as to which |
| 4 | you do not c | laim privi | lege or protection, and for each document or part of a document for which |
| 5 | you claim pr | ivilege 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 r | easons other than a claim of privilege or work product, you refuse to |
| 16 | answer any i | nformatio | n request or to produce any document requested, state the grounds upon |
| 17 | which the rea | fusal is ba | sed with sufficient specificity to permit a determination of the propriety of |
| 18 | such refusal. | | |
| 19 | 3. | If any c | opy of any document requested herein or any record which refers or |
| 20 | relates to any | documer | nt 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, i | if destroyed, the identity of the person authorizing such destruction, and |
| 23 | the identity of | of the last | known custodian of such document prior to its destruction. |
| | | | |

14.These information requests shall be deemed continuing and you should serve2upon Big Rivers' counsel (1) supplemental responses to these information requests if additional3information or information that changes your response to any information request is obtained4during the course of this proceeding, and (2) any documents requested herein that become5available or that are discovered after the date your responses to these information requests are6due.7INFORMATION REQUESTS

8 1. Mr. Kollen states on pages 11 and 12 of his testimony that approval by the 9 Commission of the Nebraska contracts will "preemptively and unnecessarily limit the 10 alternatives available to address the Company's excess capacity" that should be considered in the 11 focused management audit initiated by the Commission in its order of April 28, 2014, in Case 12 No. 2013-00199 (the "Order").

13 Does Mr. Kollen contend that the Commission intended in its Order that a. 14 Big Rivers should delay implementation of its Mitigation Plan, or postpone pursuing certain 15 options under its Mitigation Plan during the pendency of the focused management audit? 16 b. If the answer to the preceding question is "yes," please identify with 17 particularity each passage of text in the Order upon which Mr. Kollen relies to reach that 18 conclusion. 19 What other options under the Mitigation Plan, if any, does KIUC contend C.

that Big Rivers should cease pursuing during the pendency of the focused management audit?
2. Mr. Kollen states on page 20 of his testimony, beginning on line 1, that "

| 1 | " Please provide all workpapers used by Mr. Kollen in determining the |
|----|-----------------------------------------------------------------------------------------------------|
| 2 | electronic format with all formulae and cells intact. |
| 3 | 3. Please refer to the testimony of Mr. Kollen, page 22, lines 14 through 16. Mr. |
| 4 | Kollen states that he prepared a sensitivity to the status quo case in the ACES report, and that he |
| 5 | included some of the results of that sensitivity in his Exhibit LK-5. |
| 6 | a. Please provide all workpapers related to this sensitivity in electronic |
| 7 | format with all formulae and cells intact. |
| 8 | b. Please provide Exhibit LK-5 in electronic format with all formulae and |
| 9 | cells intact. |
| 10 | c. Aside from increasing energy and demand prices by 10%, please list all |
| 11 | other changes Mr. Kollen made to the status quo case in the ACES report to arrive at the values |
| 12 | in Exhibit LK-5, and explain the basis for each such change. |
| 13 | 4. Mr. Kollen provides on page 24 of his testimony a chart of NPPD capacity |
| 14 | sources. Please identify and provide the source documents for the information in the chart. |
| 15 | 5. Does KIUC oppose Big Rivers making any intersystem sale of electric services at |
| 16 | a rate lower than the wholesale rate approved for Big Rivers' Members? Please explain in detail |
| 17 | the reasons for your answer. |
| 18 | 6. Does KIUC contend that margins realized from the Nebraska contracts should be |
| 19 | committed to the Economic Reserve regardless of the financial circumstances of Big Rivers at |
| 20 | the time the margins are earned? |
| 21 | 7. Mr. Kollen states on pages 30 and 31 of his testimony that sales of electricity by |
| 22 | Big Rivers out-of-state could impair the ability of the Commonwealth of Kentucky to comply |
| 23 | with the EPA's "Clean Power Plan." |

| 1 | a. Does KIUC advocate that Big Rivers forego sales of electricity out-of- |
|----|---------------------------------------------------------------------------------------------------|
| 2 | state if that would assist the Commonwealth of Kentucky in complying with the Clean Power |
| 3 | Plan? If the answer to this question is "yes," please state KIUC's position about who should |
| 4 | bear the costs and financial losses to Big Rivers of foregoing those sales. |
| 5 | b. Does Mr. Kollen oppose Big Rivers seeking to increase native load sales |
| 6 | through economic development on the grounds that such mitigation activity would also impair |
| 7 | the ability of the Commonwealth of Kentucky to comply with the EPA's "Clean Power Plan"? |
| 8 | 8. Please confirm that Mr. Kollen's use of the term "status quo" in his testimony |
| 9 | refers in each instance to the status quo case in the ACES "Valuation and Risk Assessment" |
| 10 | dated October 30, 2013. If Mr. Kollen cannot confirm this assumption, please state the meaning |
| 11 | of the term "status quo" in each instance where it is used in his testimony and does not mean the |
| 12 | status quo case in the ACES "Valuation and Risk Assessment" dated October 30, 2013. |
| 13 | On this the 9 th day of September, 2014. |
| 14 | Respectfully submitted, |
| 15 | |
| 16 | |
| 17 | Sames M. miller |
| 18 | Jandes M. Miller |
| 19 | Tyson Kamuf |
| 20 | SULLIVAN, MOUNTJOY, STAINBACK |
| 21 | & MILLER, P.S.C. |
| 22 | 100 St. Ann Street |
| 23 | P. O. Box 727 |
| 24 | Owensboro, Kentucky 42302-0727 |
| 25 | Phone: (270) 926-4000 |
| 26 | Facsimile: (270) 683-6694 |
| 27 | jmiller@smsmlaw.com |
| 28 | tkamuf@smsmlaw.com |
| 29 | |
| 30 | Counsel for Big Rivers Electric Corporation |
| | |

| Certificate of Service |
|---------------------------------------------------------------------------------------------------------|
| I certify that on this the 9 th day of September, 2014, I served a true and accurate copy of |
| the foregoing on the persons listed on the service list accompanying these information requests |
| by electronic mail and first class mail, postage prepaid. |
| |
| Jannar m. mulkas |
| James M. Miller |
| |