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\*Also Licensed in Indiana

September 9, 2014

**Via Federal Express**

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

RECEIVED

SEP 10 2014

PUBLIC SERVICE  
COMMISSION

**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.

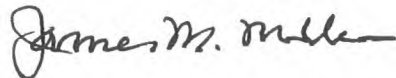
Telephone (270) 926-4000  
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100 St. Ann Building  
PO Box 727  
Owensboro, Kentucky  
42302-0727

www.westkylaw.com

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

Sincerely yours,

A handwritten signature in black ink that reads "James M. Miller". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

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

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Frankfort, KY 40601-8204

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

RECEIVED

3  
4 SEP 10 2014

5 In the Matter of:

PUBLIC SERVICE  
COMMISSION

6  
7 BIG RIVERS ELECTRIC CORPORATION'S )  
8 FILING OF WHOLESALE CONTRACTS PURSUANT )  
9 TO KRS 278.180 AND 807 KAR 5:011 §13 )

Case No. 2014-00134

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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. "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.       “Commission” means the Kentucky Public Service Commission.

2           6.       “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           7.       “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          8.       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.

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1 INSTRUCTIONS

2 1. If any document called for by any of these information requests is withheld based  
3 upon a claim of 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 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 information 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 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.





**Certificate of Service**

I certify that on this the 9<sup>th</sup> 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.

  
\_\_\_\_\_  
James M. Miller

RECEIVED  
SEP 10 2014  
PUBLIC SERVICE  
COMMISSION

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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

BIG RIVERS ELECTRIC CORPORATION'S )  
FILING OF WHOLESale CONTRACTS PURSUANT )  
TO KRS 278.180 AND 807 KAR 5:011 §13 )

Case No. 2014-00134

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

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

DEFINITIONS

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

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

3. "KIUC," "you," or "your" means the Kentucky Industrial Utility Customers, Inc. and its agents, officers, employees, and consultants.

4. "Nebraska Entity" or "Nebraska Entities" means one or more of Northeast Nebraska Public Power District, the City of Wakefield, Nebraska and the City of Wayne, Nebraska.

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

2           6.       “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           7.       “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.

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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  
22

1 INSTRUCTIONS

2 1. If any document called for by any of these information requests is withheld based  
3 upon a claim of 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 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 information 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 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 [REDACTED]” Please provide all workpapers used by Mr. Kollen in determining the [REDACTED] in  
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<sup>th</sup> day of September, 2014.

14 Respectfully submitted,

15  
16  
17   
18 James 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  
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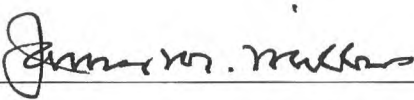
29 Counsel for Big Rivers Electric Corporation  
30



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**Certificate of Service**

I certify that on this the 9<sup>th</sup> 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.



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James M. Miller