

Commonwealth of Kentucky  
Before the Public Service Commission

RECEIVED

AUG 07 2012

PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC )  
CORPORATION FOR APPROVAL OF ITS )  
2012 ENVIRONMENTAL COMPLIANCE )  
PLAN, FOR APPROVAL OF ITS )  
AMENDED ENVIRONMENTAL COST )  
RECOVERY SURCHARGE TARIFF, FOR )  
CERTIFICATES OF PUBLIC )  
CONVIENENCE AND NECESSITY, AND )  
FOR AUTHORITY TO ESTABLISH A )  
REGULATORY ACCOUNT. )

Case No. 2012-00063

**BEN TAYLOR AND SIERRA CLUB'S MOTION TO DEVIATE FROM  
FILING REQUIREMENTS WITH RESPECT TO THEIR RESPONSES TO  
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS' FIRST REQUESTS FOR  
INFORMATION TO SIERRA CLUB AND COMMISSION STAFF'S  
FIRST REQUEST FOR INFORMATION**

Intervenors Ben Taylor and Sierra Club (collectively "Environmental Intervenors") move the Kentucky Public Service Commission ("Commission"), pursuant to 807 KAR 5:001 Section 14, for leave to deviate from the filing requirements in this proceeding.

Environmental Intervenors request that the Commission excuse them from filing paper copies of one attachment to Responses to Kentucky Industrial Utility Customers' ("KIUC") First Set of Information Requests and one attachment to Responses to Commission Staff's First Request for Information because of its voluminous nature. In support of its motion, Environmental Intervenors state:

1. Pursuant to the Commission's April 30, 2012 Order in this matter, Environmental Intervenors are required to file an original and 10 copies of all data responses and attachments, along with a service copy to all parties of record.

2. KIUC requested “all spreadsheets, models and workpapers, with all formulas intact, and all referenced spreadsheets included, that were used in the development of the results presented in Ms. Wilson’s Tables 1 and 12 of her testimony. This should include the cash flow models that were used, as discussed on page 31 of Ms. Wilson’s testimony.” *See* KIUC First Request for Information to Sierra Club.
3. Commission staff requested “Refer to the Wilson Testimony at page 25, lines 1-14. (a) Provide details on how the effects of natural gas and CO<sub>2</sub> emission prices were removed from the hourly market forecast price. (b) Explain and provide sources to support the assertion that the marginal emission rate from coal-fired units is 1.0 – 1.1 tons CO<sub>2</sub>/MWh and the marginal emission rate from natural gas-fired units is 0.6 – 0.7 tons CO<sub>2</sub>/MWh (c) Provide support for the conclusion that the PACE market prices forecast results in a marginal emission rate of 1.8 tons CO<sub>2</sub>/MWh in later years.
4. Two spreadsheets responsive to these requests are extremely voluminous totaling over thousand pages.
5. These are data files, which in paper form, would be of little, if any, practical use to KIUC, the Commission, or Big Rivers Electric Corporation.

Environmental Intervenors request permission to deviate from the Commission’s Order and other filing requirements as follows:

1. A paper original and 10 paper copies will be filed of all documents less than 1,500 pages.
2. Electronic originals and copies will be filed of all copies 1,500 pages or larger.

3. Environmental Intervenors also request leave to serve electronic copies of those documents being provided electronically to the Commission.

WHEREFORE, Environmental Intervenors request leave to file electronic copies of one of the attachments to KIUC's First Request for Information in the manner set forth above.

Respectfully submitted,



---

Joe Childers, Esq.  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, Kentucky 40507  
859-253-9824  
859-258-9288 (facsimile)

Of counsel:

Kristin Henry  
Staff Attorney  
Sierra Club  
85 Second Street  
San Francisco, CA 94105  
Phone: (415)977-5716  
Fax: (415) 977-5793  
kristin.henry@sierraclub.org

Dated: August 07, 2012

## CERTIFICATE OF SERVICE

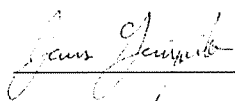
I certify that I mailed a copy of the preceding MOTION TO DEVIATE FROM FILING REQUIREMENTS by first class mail on August 7, 2012 to the below parties of record:

James M. Miller, Esq.  
Tyson Kamuf  
Sullivan, Mountjoy, Stainback & Miller, PSC  
100 Saint Ann Street  
P.O. Box 727  
Owensboro, KY 42302-0727

Michael L. Kurtz  
Kurt J. Boehm  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202

Jennifer B. Hans  
Larry Cook  
Matt James  
Assistant Attorney General's Office  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204

David C. Brown, Esq.  
Stites & Harbison  
1800 Aegon Center, 400 West Market Street  
Louisville, KY 40202



James Giampietro