



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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May 28, 2013

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Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

RECEIVED

MAY 28 2013

**PUBLIC SERVICE
COMMISSION**

RE: *In Re* Application of Big Rivers Electric Corporation, Inc.
for an Adjustment of Rates; Case No. 2012-00535

Dear Mr. Derouen:

On Friday, May 24, 2013, the Attorney General filed his pre-filed written direct testimony in the above-styled matter. The Attorney General's testimony filing included a separate sealed envelope marked as confidential, containing certain items of information for which the petitioner, Big Rivers Electric Corp. ["Big Rivers"], has sought confidential protection. As you know, the Attorney General entered into a confidentiality agreement with Big Rivers in which the Attorney General, among other commitments, agreed to protect the confidentiality of information which Big Rivers deems confidential, and for which it seeks an order of confidential protection from the Public Service Commission. The Attorney General's May 24th filing in this regard lacked a list indicating the party requesting confidential protection, when confidential protection was requested, and whether the Commission has in fact granted that status. Please find this information provided below, as it regards to Big Rivers' confidential information to which the Attorney General made reference in his testimony.

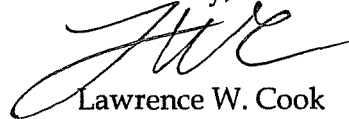
In addition, you will note that Exhibit DB-2 to the testimony of David Brevitz, filed on behalf of the Attorney General, contains the public redacted version of Mr. Brevitz' testimony filed in Case No. 2007-00455, also filed on behalf of the Attorney General. That testimony included information confidential not only to Big Rivers, but also to other parties to that case who are not parties in the instant case. For that reason, the Attorney General elected to provide only the public redacted version of Mr. Brevitz' testimony from Case No. 2007-00455 as an exhibit in the instant matter. The Commission's order ruling on the confidential petitions submitted in Case No. 2007-00455 issued on March 6, 2009. See *Applications of Big Rivers Electric Corporation for: (1) Approval of Wholesale Tariff Additions for Big Rivers Electric Corporation, (2) Approval of Transactions, (3) Approval to Issue Evidences of Indebtedness, and (4) Approval of Amendments to Contracts; and of E.ON U.S., LLC, Western Kentucky Energy Corp. and LG&E Energy Marketing, Inc. for Approval of Transactions, Case No. 2007-00455, Order (March 6, 2009) (a/k/a the Unwind Order)* at pp. 41-42.



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Please advise if you should have any questions, or require any further information.

Yours truly,

A handwritten signature in black ink, appearing to read 'LWC', written over the typed name.

Lawrence W. Cook
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In Re Application of Big Rivers Electric Corporation, Inc.
for an Adjustment of Rates; Case No. 2012-00535
List of Party Seeking Confidential Protection, Dates Sought,
and Whether PSC has Granted Confidential Protection

1. Brevitz pp. 15-16. Company response to AG 1-38, pp. 838-839; 845; 851; 855. BREC filed petition for confidential protection 2-28-13. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
2. Brevitz p. 28. Company response to KIUC 2-44. BREC filed petition for confidentiality 3-28-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
3. Brevitz p. 35, company response to AG 1-107. BREC filed petition for confidential protection 2-28-13. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
4. Brevitz p. 36, lines 3-5. Source: "Big Rivers' Corrective Plan to Achieve Two Credit Ratings of Investment Grade, Confidential Appendix B," attached in response to the company's response to PSC 3-9, Attachment 3 of 3. BREC filed a petition for confidential protection 3-28-13. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
5. Brevitz p. 36, lines 8-9, AG 1-107. BREC filed a petition for confidential protection 2-28-13. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
6. Brevitz, p. 37, line 8. Source: "Big Rivers' Corrective Plan to Achieve Two Credit Ratings of Investment Grade, Confidential Appendix B," attached in response to the company's response to PSC 3-9, Attachment 3 of 3. BREC filed a petition for confidential protection 3-28-13. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
7. Brevitz, p. 41, footnote 50. Source: "Big Rivers' Corrective Plan to Achieve Two Credit Ratings of Investment Grade, Confidential Appendix B," attached in response to the company's response to PSC 3-9, Attachment 3 of 3. BREC filed a petition for confidential protection 3-28-13. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
8. Ostrander, p. 20, lines 19-22, Company response to AG 1-143, Financial Report Year Ending 12-31-2012, including the variance from budget information, Confidential CD

attached thereto. BREC filed petitions for confidential protection 2-28-13 and 3-18-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.

9. Ostrander p. 21, Company response to AG 1-143, Financial Report Year Ending 12-31-2012, including the variance from budget information, Confidential CD attached thereto. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
10. Holloway, p. 23, company response to AG 1-128, spreadsheets attached on Confidential CD attached thereto. BREC filed petition for confidential protection 3-6-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
11. Holloway p. 24, Tables 4 and 5, company response to AG 1-128, spreadsheets attached on Confidential CD attached thereto. BREC filed petition for confidential protection 3-6-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
12. Holloway p. 25, Table 6, company response to AG 1-128, spreadsheets attached on Confidential CD attached thereto. BREC filed petition for confidential protection 3-6-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
13. Holloway p. 25, lines 4-8, company response to AG 1-128, spreadsheets attached on Confidential CD attached thereto. BREC filed petition for confidential protection 3-6-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
14. Holloway p. 26, table 7, company response to AG 1-128, spreadsheets attached on Confidential CD attached thereto. BREC filed petition for confidential protection 3-6-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
15. Holloway p. 27, table 8, company response to AG 1-128, spreadsheets attached on Confidential CD attached thereto. BREC filed petition for confidential protection 3-6-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
16. Holloway p. 27, table 9, company response to AG 1-128, spreadsheets attached on Confidential CD attached thereto. BREC filed petition for confidential protection 3-6-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.

17. Holloway, p. 31, lines 7-17, company response to KIUC 2-3. BREC filed petition for confidentiality 3-28-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
18. Holloway, p. 31 line 20, company response to KIUC 2-56. BREC filed petition for confidentiality 3-28-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.
19. Holloway Exhibit 4, p. 9 of 9, company response to KIUC 1-1, p. 152 of 256. BREC filed petitions for confidential protection 2-28-13 and 3-6-2013. As of the date of this letter, the PSC has apparently not ruled on BREC's petition.