

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**INVESTIGATION OF KENTUCKY UTILITIES )  
COMPANY'S AND LOUISVILLE GAS & )  
ELECTRIC COMPANY'S RESPECTIVE NEED ) CASE NO. 2015-00194  
FOR AND COST OF MULTIPHASE LANDFILLS )  
AT THE TRIMBLE COUNTY AND GHENT )  
GENERATING STATIONS )**

**SUPPLEMENTAL RESPONSE OF  
KENTUCKY UTILITIES COMPANY AND  
LOUISVILLE GAS AND ELECTRIC COMPANY**

**FIRST DATA REQUEST FOR INFORMATION  
TO STERLING VENTURES, LLC  
DATED JULY 2, 2015**

**FILED: JULY 20, 2015**

**KENTUCKY UTILITIES COMPANY  
LOUISVILLE GAS AND ELECTRIC COMPANY**

**First Data Request for Information to Sterling Ventures, LLC  
Dated July 2, 2015**

**Case No. 2015-00194**

**Question No. 17**

**Witness: Counsel**

- Q-17. The Company's original applications with the PSC for CPCN's for the Ghent and Trimble County Landfills included an Exhibit titled: *E.ON Comprehensive Strategy for Management of Coal Combustion Byproducts*, June 2009 (the "Comprehensive Strategy"). (See page 18 of Sterling's Complaint), which contained the following statement on the analysis of beneficial use opportunities (the "Opportunity Process"):

While many factors impact decisions on how to proceed (such as safety, ability to acquire needed permit(s), etc.) present value of revenue requirements is used as the primary economic decision metric. In some instances, additional cost metrics (such as cost per cubic yard or cost per ton) may also be quantified. Documentation for the evaluation is typically produced in close proximity to completing the evaluation. Often the supporting documentation is the source from which many internal and external presentations or business cases discussing the issue are developed. As previously stated, documentation regarding the alternatives is typically developed in coordination with consultants, however, the economic evaluation and associated documentation summarizing the economic evaluation is developed within E.ON U.S. At each decision point (such as formulation of alternatives, evaluation of options, development of documentation), oversight is built into the process to serve as a check. The function of this validation step is to subject the alternatives, evaluation or documentation to extensive "what ifs" and to confirm that a better alternative or solution does not possibly exist. For example, is it possible that more favorable economics could not be achieved by selecting an alternative site or location?

With respect to that statement, please answer the following:

...

- d. To the extent not included in the above request, please provide copies of all emails, correspondence, PVRR analyses, spreadsheets, documentation, internal or external presentations, business cases and any other information prepared and reviewed or discussed with respect to Sterling's 2011 proposal.

...

- i. Please provide copies of all e-mails, correspondence, economic analyses, spreadsheets, documentation, internal or external presentations, business cases and any other information prepared and reviewed or discussed with respect to the Company's decision to use gross value versus a present value or PVRR comparison in its CWA 404 Alternatives Analysis.
- j. In the MACTEC March 2012 Revised 404 Alternatives Analysis (Exhibit J of Sterling's Complaint), MACTEC states at 6-3: "The Preferred Alternative fulfills the responsibility of a publically (sic) regulated utility by the Kentucky Public Service Commission to provide the least cost alternative".

...

- v. Please provide copies of all e-mails, correspondence, gross cost, present value or PVRR analyses, spreadsheets, documentation, internal or external presentations, business cases and any other information prepared and reviewed or discussed with respect to MACTEC's statement above, and a decision, if any, to change to the gross cost comparison method used in the December 2014 Supplement to Alternatives Analysis.

A-17. **ORIGINAL RESPONSES**

- d. The information requested to be provided in Excel format is considered to be confidential and proprietary and is being filed under seal pursuant to a petition for confidential protection. Counsel for the Companies is continuing to undertake a reasonable and diligent search for other such documents and will reasonably supplement this response no later than Monday, July 20, 2015.

Certain documents responsive to this request are not being provided because they contain communications with counsel and the mental impressions of counsel, which information is protected from disclosure by the attorney-client privilege and the work product doctrine. The Company will file no later than Monday, July 20, 2015, a privilege log describing the responsive documents the Companies are not producing on the ground of attorney-client or work product privilege.

...

- i. Counsel for the Companies has not yet found any non-privileged documents responsive to this request; however, counsel is continuing to undertake a reasonable and diligent search for other such documents and will reasonably supplement this response no later than Monday, July 20, 2015.

Certain documents responsive to this request are not being provided because they contain communications with counsel and the mental impressions of counsel, which information is protected from disclosure by the attorney-client privilege and the work product doctrine. The Companies will file no later than Monday, July 20, 2015, a

privilege log describing the responsive documents the Companies are not producing on the ground of attorney-client or work product privilege.

j. ...

v. Counsel for the Companies has not yet found any documents responsive to this request; however, counsel is continuing to undertake a reasonable and diligent search for other such documents and will reasonably supplement this response no later than Monday, July 20, 2015.

#### July 17, 2015 **SUPPLEMENTAL RESPONSES**

d. See attached.

Certain documents responsive to this request are not being provided because they contain communications with counsel and the mental impressions of counsel, which information is protected from disclosure by the attorney-client privilege and the work product doctrine. The Companies are filing contemporaneously herewith a privilege log describing the responsive documents the Companies are not producing on the ground of attorney-client or work product privilege.

...

i. All documents responsive to this request are not being provided because they contain communications with counsel and the mental impressions of counsel, which information is protected from disclosure by the attorney-client privilege and the work product doctrine. The Companies are filing contemporaneously herewith a privilege log describing the responsive documents the Companies are not producing on the ground of attorney-client or work product privilege.

j. ...

v. No documents responsive to this request were found.

#### July 20, 2015 **SUPPLEMENTAL RESPONSE**

i. The Companies inadvertently provided a non-responsive and work-product protection e-mail and attachments in their original response to this request. The Companies do not propose to remove the inadvertently produced documents from the record, but do reserve the right to assert work product doctrine concerning all such other documents to which the doctrine attaches.