



- 1           b. Portions of the responses and/or attachments for the responses to: Items  
2           10, 12, 17, 18, 27, 28, 29, 32, 36, 38, 39, 44, 47, 48, 50, 51, 54, 55, 57, and  
3           62 of the AG’s First Set of Data Requests (“AG 1-10,” “AG 1-12,” “AG 1-  
4           17,” “AG 1-18,” “AG 1-27,” “AG 1-28,” “AG 1-29,” “AG 1-32,” “AG 1-36,”  
5           “AG 1-38,” “AG 1-39,” “AG 1-44,” “AG 1-47,” “AG 1-48,” “AG 1-50,” “AG  
6           1-51,” “AG 1-54,” “AG 1-55,” “AG 1-57,” “AG 1-62,” respectively); and  
7           c. Portions of the responses and/or attachments for the responses to: Items  
8           4, 7, 10, 11, 12, 13, and 14 of KIUC’s First Set of Data Requests (“KIUC  
9           1-4,” “KIUC 1-7,” “KIUC 1-10,” “KIUC 1-11,” “KIUC 1-12”, “KIUC 1-13,”  
10           “KIUC 1-14,” respectively).

11           3. Pursuant to the Commission’s March 24, 2020 Order in *In the Matter of:*  
12           *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Case No.  
13           2020-00085 (“Case No. 2020-00085”), one (1) copy of the confidential information  
14           highlighted with transparent ink, printed on yellow paper, or otherwise marked  
15           “CONFIDENTIAL,” is being filed with this motion by use of an encrypted file-share  
16           site, whereby the Commission may retrieve the confidential materials. A copy of those  
17           pages, with the Confidential Information redacted, is being electronically filed with  
18           the Responses to the Information Requests filed with this Motion.

19           4. The “live” electronic attachments containing Confidential Information  
20           are contained in the confidential electronic files that are being filed pursuant to this  
21           motion and placed on the encrypted file-share site. Big Rivers cannot redact only the  
22           Confidential Information from the electronic spreadsheet attachments without

1 making other cells in the spreadsheet unusable or breaking the formulas contained  
2 therein, and so, the entirety of those attachments must be made confidential.  
3 Likewise, there are other instances where the pervasive nature of the confidential  
4 information which would make public versions ineffectual and unhelpful to the  
5 Commission. As such, the entirety of these confidential files have been redacted from  
6 the Responses to the Information Requests electronically filed with this motion.

7         5. A copy of this motion with the Confidential Information redacted has  
8 been served on all parties to this proceeding through the use of electronic filing. *See*  
9 807 KAR 5:001, Section 13(b). A copy of the Confidential Information has been served  
10 on all parties that have signed a confidentiality agreement.

11         6. The Confidential Information is not publicly available, is not  
12 disseminated within Big Rivers except to those employees and professionals with a  
13 legitimate business need to know and act upon the information, and is not  
14 disseminated to others without a legitimate need to know and act upon the  
15 information.

16         7. If disclosed, the Confidential Information included herein would allow  
17 Big Rivers' competitors to discover, and make use of, confidential information  
18 concerning Big Rivers' financial condition and business strategies, to the unfair  
19 competitive disadvantage of Big Rivers.

20         8. If and to the extent the Confidential Information becomes generally  
21 available to the public, whether through filings required by other agencies or

1 otherwise, Big Rivers will notify the Commission in writing. *See* 807 KAR 5:001,  
2 Section 13(10)(b).

3 9. As discussed below, the Confidential Information is entitled to  
4 confidential treatment based upon KRS 61.878(1)(c)(1). *See* 807 KAR 5:001, Section  
5 13(2)(a)(1). Further, KRS 278.160(3) shields from disclosure “a provision of a special  
6 contract that contains rates and conditions of service not filed in a utility’s general  
7 schedule if such provision would otherwise be entitled to be excluded from the  
8 application of KRS 61.870 under the provisions of KRS 61.878(1)(c)(1).”

9 10. Further, much of the Confidential Information is similar to or pertains  
10 to the Confidential Information contained in Big Rivers’ Application (including  
11 information related to Big Rivers’ confidential financial information and information  
12 related to special contracts, including with Nucor Corporation (“Nucor”)) and for  
13 which the Commission already granted confidential treatment. *See* Commission’s  
14 March 17, 2020 Order, Case No. 2020-00064 (granting confidentiality to information  
15 related to the Nucor contract indefinitely and granting confidentiality to financial  
16 information for five years) (the “March 17, 2020 Order”).

17 **I. Information Protected by KRS 61.878(1)(c)(1)**

18 **A. Big Rivers Faces Actual Competition**

19 11. KRS 61.878(1)(c)(1) protects “records confidentially disclosed to an  
20 agency or required by an agency to be disclosed to it, generally recognized as  
21 confidential or proprietary, which if openly disclosed would permit an unfair  
22 commercial advantage to competitors of the entity that disclosed the records.”

1           12.    As a generation and transmission cooperative, Big Rivers competes in  
2 the wholesale power market to sell energy that it produces in excess of its members'  
3 needs. This includes not only the over-the-counter day-ahead and over-the-counter  
4 hourly markets to which Big Rivers has access by virtue of its membership in  
5 Midcontinent Independent System Operator, Inc. ("MISO"), but also direct, bilateral  
6 long-term agreements. Big Rivers' ability to successfully compete in these markets is  
7 dependent upon a combination of its ability to: 1) obtain the maximum price for the  
8 power it sells, and 2) keep its cost of production as low as possible. Fundamentally, if  
9 Big Rivers' cost of producing a unit of power increases, its ability to sell that unit in  
10 competition with other utilities is adversely affected.

11           13.    Big Rivers also competes for reasonably priced credit in the credit  
12 markets, and its ability to compete is directly impacted by its financial results. Lower  
13 revenues and any events that adversely affect Big Rivers' margins will adversely  
14 affect its financial results and potentially impact the price it pays for credit. A  
15 competitor armed with Big Rivers' proprietary and confidential information will be  
16 able to increase Big Rivers' costs or decrease Big Rivers' revenues, which could in  
17 turn affect Big Rivers' creditworthiness. A utility the size of Big Rivers that operates  
18 generation and transmission facilities will always have periodic cash and borrowing  
19 requirements for both anticipated and unanticipated needs. Big Rivers expects to be  
20 in the credit markets in the future, and it is imperative that Big Rivers improve and  
21 maintain its credit profile.

1           14.   Accordingly, Big Rivers has competitors in both the power and capital  
2 markets, and its Confidential Information should be protected to prevent the  
3 imposition of an unfair competitive advantage.

4           **B.    The Confidential Information is Generally Recognized as**  
5           **Confidential or Proprietary.**  
6

7           15.   The Confidential Information for which Big Rivers seeks confidential  
8 treatment under KRS 61.878(1)(c)(1) is generally recognized as confidential or  
9 proprietary under Kentucky law.

10          16.   The Confidential Information attached in response to PSC 1-1 contains  
11 projected costs estimates for projected capital projects to be performed by a third-  
12 party, the disclosure of which would negatively affect the RFP process for such work.

13          17.   The Confidential Information contained in response to PSC 1-3 includes  
14 information derived from sensitive projected financial documents.

15          18.   The Confidential Information contained in response to PSC 1-8 and PSC  
16 1-9 include the projected value of certain assets Big Rivers will seek to sell, the  
17 disclosure of which would give potential buyers a competitive advantage by giving  
18 insight into the prices that may be acceptable to Big Rivers.

19          19.   The Confidential Information contained in response to PSC 1-12  
20 contains individual customer usage data, information related to the Nucor contract  
21 pending Commission approval, and information regarding Big Rivers' contract with  
22 Aleris Rolled Products, Inc. ("Aleris"), to which the Commission previously granted  
23 confidential treatment for an indefinite period. *See In the Joint Application of Kenergy*

1 *Corp. and Big Rivers Electric Corporation for Approval of Contracts, Order, P.S.C.*  
2 *Case No. 2016-00117 (June 11, 2019).*

3 20. The Confidential Information contained in response to PSC 1-17  
4 includes information from Big Rivers' financial projections, including projected TIER  
5 calculations.

6 21. The Confidential Information contained in the response to PSC 1-19  
7 includes information from Big Rivers' financial forecast, including projected TIER  
8 calculations.

9 22. The Confidential Information contained in the response to PSC 1-20  
10 contains projected costs estimates for projected capital projects to be performed by a  
11 third-party, the disclosure of which would negatively affect the RFP process for such  
12 work.

13 23. The Confidential Information contained in the response to PSC 1-28  
14 contains data regarding projected fuel costs.

15 24. The Confidential Information contained in the response to AG 1-10  
16 relates to specific information about the pending agreement with Nucor.

17 25. The Confidential Information contained in response to AG 1-12 includes  
18 information that could provide information related to Big Rivers' future load  
19 requirements as well as disclose confidential, commercially sensitive negotiations  
20 between Big Rivers and third-parties.

21 26. The Confidential Information contained in response to AG 1-17 relates  
22 to specific information about the pending agreement with Nucor.

1           27.    The Confidential Information attached to response AG 1-18 contains Big  
2 Rivers' projected capital expenditures.

3           28.    The Confidential Information attached to response AG 1-27 is a  
4 confidential business planning and strategy presentation made to Big Rivers' Board  
5 of Directors.

6           29.    The Confidential Information contained in and attached to response AG  
7 1-28 relates to specific information about the pending agreement with Nucor.

8           30.    The Confidential Information attached to response AG 1-29 is Big  
9 Rivers' financial forecast.

10          31.    The Confidential Information attached to response AG 1-32 is Big  
11 Rivers' confidential strategic business plan.

12          32.    The Confidential Information contained in and attached to AG 1-36  
13 includes information from Big Rivers' financial forecast and confidential  
14 presentations containing information derived from Big Rivers' financial forecast and  
15 confidential business plans.

16          33.    The Confidential Information contained in and attached to AG 1-38  
17 relates to individual customer usage and contain information regarding Big Rivers'  
18 contract with the Kentucky Municipal Energy Agency ("KyMEA"), to which the  
19 Commission previously granted confidential treatment for an indefinite period. *See*  
20 *In the Matter of: Filing of Agreement for the Purchase and Sale of Firm Capacity and*  
21 *Energy Between Big Rivers Electric Corporation and the Kentucky Municipal Energy*  
22 *Agency*, Order, P.S.C. Case No. 2016-00306 (Jan. 2, 2019).

1           34.    The Confidential Information contained in and attached to AG 1-39  
2 relates to individual customer usage and contain confidential information regarding  
3 Big Rivers’ contracts with entities in Nebraska ( the “Nebraska Contracts”), to which  
4 the Commission previously granted confidential treatment for an indefinite period.  
5 *See In the Matter of: Big Rivers Electric Corporation Filing of Wholesale Contracts*  
6 *Pursuant to KRS 278.180 and KAR 5:011 § 13, Order, P.S.C. Case No. 2014-00134*  
7 (Sept. 10, 2014).

8           35.    The Confidential Information contained in response to AG 1-44 includes  
9 information related to Big Rivers’ projected generation capacity and business plans.

10          36.    The Confidential Information attached to AG 1-47 contains sensitive,  
11 confidential bid information Big Rivers received in response to an issued RFP.

12          37.    The Confidential Information contained in AG 1-48 contains  
13 information related to future financial projections and business plans.

14          38.    The Confidential Information attached to response AG 1-50 is a copy of  
15 Big Rivers’ 2020 Strategic Plan, which contains sensitive projected business and  
16 financial information.

17          39.    The Confidential Information contained in response to AG 1-51 relates  
18 to confidential business negotiations between Big Rivers and third-parties.

19          40.    The Confidential Information attached to response AG 1-54 include  
20 confidential presentations containing information derived from Big Rivers’ financial  
21 forecast and confidential business plans.

1           41.    The Confidential Information contained in response AG 1-55 contains  
2 information that is from Big Rivers' long-term financial forecast.

3           42.    The Confidential Information contained in response AG 1-57 contains  
4 information derived from the confidential portions of Big Rivers' power purchase and  
5 sales agreements.

6           43.    The Confidential Information contained in response and attached to AG  
7 1-62 contains projected financial information, projected O&M costs, and expected  
8 costs of capital projects for which Big Rivers expects to receive bids from third-parties.

9           44.    The Confidential Information contained in response to KIUC 1-4  
10 includes information from Big Rivers' financial forecast.

11          45.    The Confidential Information attached to response KIUC 1-7 contains  
12 information related to individual customer usage.

13          46.    The Confidential contained in the response and attached to KIUC 1-10  
14 includes information related to individual customer usage and contains information  
15 regarding Big Rivers' contract with Aleris, to which the Commission previously  
16 granted confidential treatment for an indefinite period.

17          47.    The Confidential Information attached to response KIUC 1-11 contains  
18 information related to individual customer usage.

19          48.    The Confidential Information contained in response to KIUC 1-12  
20 relates to specific information about the pending agreement with Nucor.

21          49.    The Confidential Information attached to response KIUC 1-13 contains  
22 information related to individual customer usage.

1           50.    The Confidential Information attached to response KIUC 1-14 contains  
2 information related to individual customer usage.

3           51.    Public disclosure of the Confidential Information would reveal detailed  
4 information relating to Big Rivers’ projected variable O&M costs for production  
5 factors such as fuel, reagent, disposal, and emission allowances; projected margins;  
6 and projected off-system sales price, volume, and revenue, as well as individual  
7 customer usage. This information provides insight into Big Rivers’ cost of producing  
8 power and would indicate the prices at which Big Rivers is willing to buy or sell power  
9 and production factors. The information is also indicative of the market conditions  
10 Big Rivers expects to encounter and its ability to compete with competitors. The  
11 Commission has previously granted confidential treatment to similar information.  
12 *See, e.g., In the Matter of: Application of Big Rivers Electric Corporation for a General*  
13 *Adjustment in Rates Supported by Fully Forecasted Test Period*, Order, P.S.C. Case  
14 No. 2013-00199 (November 25, 2013); *In the Matter of: Application of Big Rivers*  
15 *Electric Corporation for a General Adjustment in Rates*, Order, P.S.C. Case No. 2012-  
16 00535 (Apr. 25, 2013) (the “April 25 Confidentiality Order”); *Id.*, Order (August 14,  
17 2013) (the “August 14 Confidentiality Order”); *In the Matter of: Application of Big*  
18 *Rivers Electric Corporation for Approval of its 2012 Environmental Compliance Plan,*  
19 *for Approval of its Amended Environmental Cost Recovery Surcharge Tariff, for*  
20 *Certificates of Public Convenience and Necessity, and for Authority to Establish a*  
21 *Regulatory Account*, Letter, P.S.C. Case No. 2012-00063 (August 15, 2012).

1           52.    Public disclosure of information relating to Big Rivers’ projected capital  
2 expenditures and planned outages would reveal when Big Rivers will have excess  
3 power available to sell into the market, or when Big Rivers’ generation levels will  
4 drop due to maintenance and construction and will have to resort to purchased power  
5 to meet its native load. The Commission has previously granted confidential  
6 treatment to similar information. *See, e.g.*, November 25, 2013 Confidentiality Order,  
7 P.S.C. Case No. 2013-00199; April 25 Confidentiality Order, P.S.C. Case No. 2012-  
8 00535; P.S.C. Administrative Case No. 387, Letter (July 20, 2010).

9           53.    Information related to sensitive negotiations between Big Rivers and  
10 other entities and the proprietary information supplied to Big Rivers by its  
11 consultants and industry groups of which it is a member illuminates Big Rivers’ long-  
12 term business strategy and is generally subject to confidentiality agreements among  
13 the various parties involved. The Commission has previously granted confidential  
14 treatment to similar information. *See, e.g.*, November 25, 2013 Confidentiality Order,  
15 P.S.C. Case No. 2013-00199; April 25 Confidentiality Order, P.S.C. Case No. 2012-  
16 00535.

17           54.    Additionally, public disclosure of the Confidential Information would  
18 reveal details of meetings of the Board of Directors, fundamental financial data and  
19 projections, and current and projected demand. Information such as this which bears  
20 upon a company’s detailed inner workings is generally recognized as confidential or  
21 proprietary. *See, e.g., Hoy v. Ky. Indus. Revitalization Auth.*, 907 S.W.2d 766, 768 (Ky.  
22 1995) (“It does not take a degree in finance to recognize that such information

1 concerning the inner workings of a corporation is ‘generally recognized as confidential  
2 or proprietary.’”). Additionally, the Commission has previously granted confidential  
3 treatment to this type of information. *See, e.g.*, April 25 Confidentiality Order, P.S.C.  
4 Case No. 2012-00535 (granting confidential treatment to minutes of the Big Rivers  
5 Board of Directors, Big Rivers’ Financial Model, and Big Rivers’ load forecast);  
6 November 25, 2013 Confidentiality Order, P.S.C. Case No. 2013-00199; *In the Matter*  
7 *of: An Examination of the Application of the Fuel Adjustment Clause of East Ky. Power*  
8 *Coop., Inc. From Nov. 1, 2011 through Apr. 30, 2012*, Order, P.S.C. Case No. 2012-  
9 003919 (February 21, 2013).

10 55. Finally, the Commission has previously granted confidentiality to much  
11 of the specific information for which confidentiality is sought, including through the  
12 March 17, 2020 Order, in which the Commission recognized that sensitive financial  
13 information and confidential portions of the Nucor contract are subject to confidential  
14 treatment.

15 **C. Disclosure of the Confidential Information Would Result in an**  
16 **Unfair Commercial Advantage to Big Rivers’ Competitors.**  
17

18 56. Disclosure of the Confidential Information would grant Big Rivers’  
19 competitors an unfair commercial advantage. As discussed above in Section II.A, Big  
20 Rivers faces actual competition in both the short-and long-term wholesale power  
21 markets and in the credit markets. It is likely that Big Rivers’ ability to compete in  
22 these markets would be adversely affected if the Confidential Information were  
23 publicly disclosed, and Big Rivers seeks protection from such competitive injury.

1           57.    The Confidential Information includes material such as Big Rivers’  
2   projections of fuel and emissions costs and power prices, Big Rivers’ market sales and  
3   purchase information, sensitive business negotiations and agreements third-parties,  
4   and confidential responses received by Big Rivers in response to issued RFPs. If that  
5   information is publicly disclosed, market participants would have insight into the  
6   prices at which Big Rivers is willing to buy and sell fuel and could manipulate the  
7   bidding process, impairing the ability to generate power at competitive rates and thus  
8   to compete in the wholesale power markets. Furthermore, any competitive pressure  
9   that adversely affects Big Rivers’ revenue and margins could make the company  
10   appear less creditworthy and thus impair its ability to compete in the credit markets.  
11   These effects were recognized in PSC Case No. 2003-00054, in which the Commission  
12   granted confidential treatment to bids submitted to Union Light, Heat & Power  
13   (“ULH&P”). ULH&P argued, and the Commission implicitly accepted, that if the bids  
14   it received were publicly disclosed, contractors on future work could use the bids as a  
15   benchmark, which would likely lead to the submission of higher bids. *In the Matter*  
16   *of: Application of the Union Light, Heat and Power Company for Confidential*  
17   *Treatment*, Order, PSC Case No. 2003-00054 (August 4, 2003). The Commission also  
18   implicitly accepted ULH&P’s further argument that the higher bids would lessen  
19   ULH&P’s ability to compete with other gas suppliers. *Id.* Similarly, potential fuel and  
20   power suppliers manipulating Big Rivers’ bidding process would lead to higher costs  
21   or lower revenues to Big Rivers and would place it at an unfair competitive  
22   disadvantage in the wholesale power market and credit markets.

1           58.    Potential market power purchasers could use the information related to  
2 Big Rivers’ projected off-system sales and revenues, generation levels, generator  
3 availability, planned outages, and future planning to know when Big Rivers will have  
4 excess power to sell into the wholesale market and could use that information to  
5 manipulate their bids, leading to lower revenues to Big Rivers and placing it at an  
6 unfair competitive disadvantage in the credit markets.

7           59.    Additionally, public disclosure of the prices of fuel, reagent, disposal,  
8 emission allowance, and other variable cost information, and information about Big  
9 Rivers’ wholesale power needs would give the power producers and marketers with  
10 which Big Rivers competes in the wholesale power market insight into Big Rivers’  
11 cost of producing power and need for power and energy during the periods covered by  
12 the information. Knowledge of this information would give those power producers and  
13 marketers an unfair competitive advantage because they could use that information  
14 to potentially underbid Big Rivers in wholesale transactions. It would also give  
15 potential suppliers to Big Rivers a competitive disadvantage because they will be able  
16 to manipulate the price of power bid to Big Rivers in order to maximize their  
17 revenues, thereby driving up Big Rivers’ costs and impairing Big Rivers’ ability to  
18 compete in the wholesale power and credit markets.

19           60.    Finally, the Commission has consistently recognized that board  
20 minutes, internal strategic planning information, and related materials are entitled  
21 to confidential treatment, as these documents typically relate to the company’s  
22 economic status and business strategies. *See, e.g., Marina Mgmt. Servs. v. Cabinet*



1 indefinite period of time in its January 22, 2020, and January 27, 2020 Orders in  
2 Case No. 2019-00365, and the March 17, 2020 Order entered in this proceeding.

3         63. Big Rivers requests that the Confidential Information relating to the  
4 KyMEA contract remain confidential indefinitely for the same reasons the  
5 Commission granted confidential treatment to the confidential terms in the KyMEA  
6 contract for an indefinite period of time in its January 2, 2019 Order in Case No.  
7 2016-00306.

8         64. Big Rivers requests that the Confidential Information relating to the  
9 Nebraska Contracts remain confidential indefinitely for the same reasons the  
10 Commission granted confidential treatment to the confidential terms in the Nebraska  
11 Contracts for an indefinite period of time in its September 10, 2014 Order in Case No.  
12 2014-00134.

13         65. Big Rivers requests that the Confidential Information relating to the  
14 Aleris contract remain confidential indefinitely for the same reasons the Commission  
15 granted confidential treatment to the confidential terms in the Aleris contract for an  
16 indefinite period of time in its June 11, 2019 Order in Case No. 2016-00117.

17         66. Big Rivers requests that the Confidential Information consisting of the  
18 individual customer usage and individual customer/counter-party names remain  
19 confidential indefinitely because these customers operate in competitive markets and  
20 disclosure of such information could cause them an economic disadvantage, as their  
21 competitors would have access to these customers' costs. Additionally, public  
22 disclosure of such information could constitute an invasion of personal privacy. *See,*

1 e.g., *In the Matter of: Riverside Generating Company, LLC v. Kentucky Power*  
2 *Company*, Order, P.S.C. Case No. 2017-00472 (May 16, 2019) (granting confidential  
3 treatment to customer specific information relating to purchases and transmission of  
4 electricity for an indefinite period); *In the Matter of: Sanctuary Church v. Louisville*  
5 *Gas and Electric Company*, Order, P.S.C. Case No. 2018-00181 (January 8, 2019)  
6 (granting confidential treatment for an indefinite period to detailed account and  
7 usage information of a non-party).

8 67. Big Rivers requests that the remainder of the Confidential Information  
9 remain confidential for a period of five (5) years from the date of this motion, at which  
10 time the Confidential Information should be sufficiently outdated so that it could not  
11 be used to competitively disadvantage Big Rivers. 807 KAR 5:001, Section 13(2)(a)(2).

#### 12 IV. Conclusion

13 68. Based on the foregoing, the Confidential Information is entitled to  
14 confidential protection. If the Commission disagrees, then the Commission should  
15 hold an evidentiary hearing to protect Big Rivers' due process rights and to supply  
16 the Commission with a complete record to enable it to reach a decision with regard to  
17 this matter. *See Util. Reg. Comm'n v. Ky. Water Serv. Co., Inc.*, 642 S.W.2d 591 (Ky.  
18 App. 1982).

19 WHEREFORE, Big Rivers respectfully requests that the Commission classify  
20 and protect as confidential the Confidential Information.

21

22

1 This 3<sup>rd</sup> day of April, 2020.

2 Respectfully submitted,

3 **BIG RIVERS ELECTRIC CORPORATION**

4 Tyson Kamuf  
5 Gregory E. Mayes, Jr.  
6 201 Third Street, P.O. Box 24  
7 Henderson, Kentucky 42419-0024  
8 Phone: (270) 827-2561 Fax: (270) 844-6417  
9 Email: tyson.kamuf@bigrivers.com  
10 Email: gregory.mayes@bigrivers.com

11 **DINSMORE & SHOHL LLP**

12  
13  
14 /s/ Edward T. Depp  
15 Edward T. Depp  
16 R. Brooks Herrick  
17 101 South Fifth Street, Suite 2500  
18 Louisville, Kentucky 40202  
19 E-mail: tip.depp@dinsmore.com  
20 E-mail: brooks.herrick@dinsmore.com  
21 Phone: (502) 540-2300 Fax: (502) 585-2207

22 M. Evan Buckley  
23 100 West Main Street, Suite 900  
24 Lexington, Kentucky 40507  
25 E-mail: evan.buckley@dinsmore.com  
26 Phone: (859) 425-1000 Fax: (859) 425-1099

27 *Counsel to Big Rivers Electric Corporation*  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

