

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

In the Matter of:

ELECTRONIC 2020 INTEGRATED)	CASE NO.
RESOURCE PLAN OF BIG RIVERS)	2020-00299
ELECTRIC CORPORATION)	

SIERRA CLUB’S INITIAL REQUESTS FOR INFORMATION

Pursuant to the Kentucky Public Service Commission’s (“Commission”) January 12, 2021, Order (“Scheduling Order”), Sierra Club hereby propounds the following data requests on Big Rivers Electric Corporation (“Big Rivers” or the “Company”) in the above-captioned proceeding.

The Company shall answer these data requests in the manner set forth in the Scheduling Order, by no later than March 19, 2021. Please produce the requested information—in electronic format, whenever possible—to:

Matthew E. Miller
2528 California Street
Denver, CO 80205
Email: matthew.miller@sierraclub.org

If a response to a request consists of a statement that the requested information is already available to Sierra Club, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart(s)/table(s)/figure number(s).

In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.

Sierra Club reserves the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding.

DEFINITIONS

Unless otherwise specified in each individual interrogatory or request, “you,” “your,” the “Company,” or “Big Rivers,” refers to Big Rivers Electric Corporation, and its affiliates, officers, directors, employees, and agents.

“And” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these interrogatories and requests for production of documents any information which might be deemed outside their scope by another construction.

“Any” means all or each and every example of the requested information.

“Communication” means any transmission or exchange of information between two or more persons, whether orally or in writing, and includes, without limitation, any conversation or discussion by means of letter, telephone, note, memorandum, telegraph, telex, telecopy, cable, email, or any other electronic or other medium.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software, and includes all copies, drafts, proofs, both originals and copies either (1) in the possession, custody or control of the Company regardless of where located, or (2) produced or generated by, known to or seen by the Company, but now in their possession, custody or control, regardless of where located whether or still in existence.

Such “documents” shall include, but are not limited to, applications, permits, monitoring reports, computer printouts, contracts, leases, agreements, papers, photographs, tape recordings, transcripts, letters or other forms of correspondence, folders or similar containers, programs,

telex, TWX and other teletype communications, memoranda, reports, studies, summaries, minutes, minute books, circulars, notes (whether typewritten, handwritten or otherwise), agenda, bulletins, notices, announcements, instructions, charts, tables, manuals, brochures, magazines, pamphlets, lists, logs, telegrams, drawings, sketches, plans, specifications, diagrams, drafts, books and records, formal records, notebooks, diaries, registers, analyses, projections, email correspondence or communications and other data compilations from which information can be obtained (including matter used in data processing) or translated, and any other printed, written, recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated or made.

Without limitation, the term “control” as used in the preceding paragraphs means that a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual possession thereof. If a document is responsive to a request, but is not in your possession or custody, identify the person with possession or custody. If any document was in your possession or subject to your control, and is no longer, state what disposition was made of it, by whom, the date on which such disposition was made, and why such disposition was made.

For purposes of the production of “documents,” the term shall include copies of all documents being produced, to the extent the copies are not identical to the original, thus requiring the production of copies that contain any markings, additions or deletions that make them different in any way from the original.

“Identify” means:

(a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) vis-à-vis the Company;

(b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

“IRP” means Big Rivers’ 2020 Integrated Resource Plan.

“Relating to” or “concerning” means and includes pertaining to, referring to, or having as a subject matter, directly or indirectly, expressly or implied, the subject matter of the specific request.

“Workpapers” are defined as original, electronic, machine-readable, unlocked, Excel format (where possible) with formulas intact.

PRIVILEGE

If you claim a privilege including, but not limited to, the attorney-client privilege or the work product doctrine, as grounds for not fully and completely responding to any interrogatory or request for production, describe the basis for your claim of privilege in sufficient detail so as to permit Sierra Club and the Commission to evaluate the validity of the claim. With respect to documents for which a privilege is claimed, produce a “privilege log” that identifies the author, recipient, date and subject matter of the documents or interrogatory answers for which you are asserting a claim of privilege and any other information pertinent to the claim that would enable the Proposed Intervenors or the Commission to evaluate the validity of such claims.

TIME

Unless otherwise provided, the applicable time period for each of these requests for information is January 1, 2016, to the present.

DATA REQUESTS

1. Refer to the IRP's references to the possibility of forming a coalition of partners to invest in a 592 MW natural gas combined cycle ("NGCC") unit to be located at the Sebree site or the Coleman site, *see* IRP pp. 33, 137, 140.
 - a. Please confirm whether this plan remains a part of Big Rivers' preferred scenario.
 - b. Please provide a detailed narrative update on all efforts and progress, if any, related to forming such a coalition and planning to invest in that unit.
 - c. Please identify and provide copies of all correspondence, memos, reports, presentations, or other documents comprising or referencing such efforts and progress, if any.

2. Refer to the IRP's references to carbon regulation, including the Clean Power Plan ("CPP") rule and Affordable Clean Energy ("ACE") rule, *see* IRP pp. 107-108, and to carbon taxes, trading, or other functional pricing, *see, e.g., id.* pp. 137, 141, 169.
 - a. Please discuss in detail whether and how Big Rivers has amended, or will amend, its carbon-related assumptions, forecasts, scenarios modeled, preferred scenario, or other planning components, in response to each of the following developments subsequent to the 2020 IRP's finalization:
 - i. The end of the Trump administration and the commencement of the Biden administration, including changes (realized and prospective) to carbon-related announced by the White House, the U.S. Environmental Protection Agency ("EPA"), or another agency.
 - ii. The D.C. Circuit's January 19, 2021, decision vacating the ACE rule and remanding the record to EPA, *see Am. Lung Ass'n v. Env'tl. Prot. Agency*, 985 F.3d 914, 922 (D.C. Cir. 2021).
 - iii. Any other development or reason that has caused Big Rivers to amend its planning vis-à-vis carbon emissions or climate change (if any, please identify that development/reason).
 - b. Please identify and provide copies of all correspondence, memos, reports, presentations, or other documents comprising or referencing the amendment of planning referenced in (a) above.

Dated: February 26, 2021

Respectfully submitted,



Of counsel
(not licensed in Kentucky):

Matthew E. Miller, Esq.
Sierra Club
2528 California St
Denver, CO
Phone: (517) 230-7420
Email: matthew.miller@sierraclub.org

Joe F. Childers, Esq.
Childers & Baxter PLLC
300 Lexington Building
201 West Short Street
Lexington, KY 40507
Phone: (859) 253-9824
Fax: (859) 258-9288
Email: joe@jchilderslaw.com

Counsel for Sierra Club

CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of the SIERRA CLUB'S INITIAL REQUESTS FOR INFORMATION in this action is being electronically transmitted to the Commission on February 26, 2021; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Per the Commission's general standing Order issued in Case No. 2020-00085 on March 16, 2020, this filing will not be mailed in paper medium to the Commission.



JOE F. CHILDERS