

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

In the Matter of:

ELECTRONIC 2023 INTEGRATED)
RESOURCE PLAN OF BIG RIVERS) Case No. 2023-00310
ELECTRIC CORPORATION)

**SIERRA CLUB’S POST-HEARING DATA REQUESTS
TO BIG RIVERS ELECTRIC CORPORATION**

Sierra Club submits these Post-Hearing Data Requests to Big Rivers Electric Corporation (“Big Rivers” or the “Company”) in the above-captioned proceeding pursuant to the Commission’s Order at the hearing held on May 22, 2024. Pursuant to that Order, the Company shall respond to these requests for information within three weeks, no later than June 21, 2024. Please produce the requested information in electronic format whenever possible, and to the following recipients:

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DEFINITIONS

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

“Control” means, without limitation, 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 or subject to your control, identify the person with possession, custody, or control. If any document was in your possession or custody 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.

“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, and originals 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 not in their possession, custody or control, regardless of where located or whether 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), agendas, 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. 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, to state its date, to state 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.

“Person” means, without limitation, every natural person, corporate entity, partnership, association (formal or otherwise), joint venture, unit operation, cooperative, municipality, commission, governmental body, or agency.

“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, in native format, and with formulae and links intact.

INSTRUCTIONS

1. The Definitions, Instructions, and Claim of Privilege set out in this Request for Information apply to these questions.
2. In answering these questions, furnish all information that is available to you, including information in the possession of your agents, employees, and representatives, all others from whom you may freely obtain it, and your attorneys and their investigators.
3. Please answer each question based upon your knowledge, information, or belief, and any answer that is based upon information or belief should state that it is given on that basis.
4. If you have possession, custody, or control (within Ky. R. Civ. P. 34.01) of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies that are different in any way from the original, whether by interlineation, receipt stamp, or notation.
5. If you do not have possession, custody, or control of the originals of the documents requested, please produce copies of the documents, however made, in your possession, custody, or control. If any document requested is not in your possession or custody or subject to your control, please explain why not, and give the present location and custodian of any copy or summary of the document.
6. Please answer the questions and sub-questions in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the question.
7. If any question appears confusing, please request clarification from the undersigned counsel.
8. In providing your responses, please start each response on a separate page and type, at the top of the page, the question that is being answered.

9. As part of the response to each question, please state, at the bottom of the answer, the name and job position of each person who participated in any way, other than providing clerical assistance, in the preparation of the answer. If the question has sub-parts, please identify the person or persons by sub-part. Please also state the name of the witness in this docket who will sponsor the answer to the question and who can vouch for the truth of the answer. If the question has sub-parts, please identify the witness or witnesses by sub-part.

10. Rather than waiting to provide all of the responses at the same time, please provide individual responses as each becomes available.

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

12. 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.

13. These questions are continuing in nature. If there is a change in circumstances or facts or if you receive or generate additional information that changes your answer between the time of your original response and the time of the hearings, then you should submit, under oath, a supplemental response to your earlier answer.

14. If you consider any question to be unduly burdensome, or if the response would require the production of a voluminous amount of material, please call the undersigned counsel as soon as possible in order to discuss the situation and to try to resolve the problem. Likewise, if you object to any of the questions on the grounds that the question seeks confidential information, or on any other grounds, please call the undersigned counsel as soon as possible.

15. If the response to any question is voluminous, please provide separately an index to the materials contained in the response.

16. If the information requested is included in previously furnished exhibits, workpapers, or responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross-references.

17. Data should be provided in native electronic format including active EXCEL workbooks and all linked workbooks, with all formulas, cell references, links, etc., intact, functioning, and complete for all tables, figures, and attachments in the testimony.

18. To the extent that a question asks for the production of copyrighted material, it is sufficient to provide a listing of such material, indicating the title, publisher, author, edition, and page references relied on or otherwise relevant to the question.

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

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 request for information or request for production, describe the basis for your claim of privilege in sufficient detail so as to permit meaningful evaluation of 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 likewise enable evaluation of the validity of such claims.

3.1 Please refer to Sierra Club’s cross-examination of Big Rivers witness James Burden beginning at approximately 10:16 AM on May 22, 2024. Please also refer to BREC Response to Sierra Club Data Request 2-10 “Wilson GADS data,” and refer to maintenance codes in 2022.

- a. Examining the 2022 data, why were so many derates and outages (71 of 109) tied to the induced draft fan?
- b. Please confirm whether these derates and outages were in fact related to the induced draft fan or were related to other issues.
 - i. Please identify and explain each incorrect maintenance code for derates and outages in 2022.
- c. Please identify when and where induced draft fans were fixed in response to derates and outages in 2022.
- d. Examining the 2022 data, please identify and explain any remedial measures and/or fixed parts that were undertaken in response to review of patterns in Wilson’s GADS data.
 - i. Please identify the costs of each such remedial measure as

well as the cost of these remedial measures in total.

3.2 Please refer to Sierra Club’s cross-examination of Big Rivers witness James Burden beginning at approximately 10:24 AM on May 22, 2024. Please also refer to Sierra Club Data Request 2-10 “Wilson GADS data” and BREC Response to Sierra Club Data Request 1-18a, Attachment 1a.

- a. Please state whether the information in BREC Response to Sierra Club Data Request to 2-10 or 1-18a is correct with regards to the forced outage at DB Wilson from December 22 to December 23, 2022.
- b. If neither are correct, please share accurate derate and outage information for DB Wilson from December 22 to December 23, 2022.

3.3 Please refer to Sierra Club’s cross-examination of Big Rivers witness James Burden beginning at approximately 10:58 AM on May 22, 2024 and Big Rivers witness Terry Wright beginning at approximately 7:12 PM on May 22, 2024. Please also refer to Sierra Club Data Request 2-10 “Wilson GADS data.”

- a. Please provide any workpapers and analysis prepared by Big Rivers in

- evaluating the reliability of DB Wilson in 2022 by looking at GADS data.
- b. Please provide any workpapers and analysis for determining the equivalent availability factor of DB Wilson in 2022.
 - c. Please explain what Big Rivers considers an acceptable equivalent availability factor when analyzing the reliability of DB Wilson.
 - i. Please provide any workpapers and analysis underpinning this determination.
- 3.4 Please refer to Sierra Club’s cross-examination of Big Rivers witness Michael Mizell beginning at approximately 4:18 PM on May 22, 2024.
- a. Please update BREC’s Response to Sierra Club Data Request 1-11 to incorporate analysis of EPA’s final Clean Air Act Section 111(D) Greenhouse Gas Pollution Rule.
 - b. Please share any analysis Big Rivers has conducted on the cost of complying with the rule and please share any analysis Big Rivers has conducted on retirement scenarios based on different
- compliance dates with the rule.
- 3.5 Please refer to Sierra Club’s cross-examination of Big Rivers witness Michael Mizell beginning at approximately 4:20 PM on May 22, 2024. Please also refer to Sierra Club Exhibit SC-6 EPA MATS Technical Analysis (Unit-Level).
- a. In SC-6, in analyzing compliance costs with the final MATS rule, EPA identifies the “Lowest Achieved fPM Rate (lowest 99th percentile, lb/MMBtu)” for DB Wilson as 0.10 lb/MMBtu.
 - i. Does Big Rivers dispute this data point? If so, please provide data, analysis, and workpapers showing why it is inaccurate.
 - ii. Based on this fPM rate, EPA calculates an annualized cost in 2019 dollars of complying with the 0.10 lb/MMBtu limit of \$88,162.55. Please explain why this is inaccurate, providing all workpapers for analysis disputing EPA’s analysis.

- iii. Based on this fPM rate, EPA calculates an annualized cost in 2019 dollars of complying with the 0.06 lb/MMBtu limit of \$10,776,749. Please explain why this is inaccurate, providing all workpapers for analysis disputing EPA’s analysis.
 - iv. Mr. Mizell referred to “numerous operational data” and “EPA’s own data” as disputing EPA’s analysis in SC-6. Please provide that data as well as an explanation as to why that data renders EPA’s analysis in SC-6 inaccurate.
 - b. Please share any analysis Big Rivers has conducted on the cost of complying with the final MATS rule.
- 3.6 Please refer to Sierra Club’s cross-examination of Big Rivers witness Michael Mizell beginning at approximately 4:33 PM on May 22, 2024. The Big Rivers Coal Combustion Residual (“CCR”) Rule Compliance and Data Information website was identified as down on May 21 in Sierra Club Exhibit SC-4 Big Rivers CCR Compliance Website. As of May 31, 2024, it is still down:
<https://www.bigrivers.com/environmental-services/big-rivers-electric-corporation-ccr-rule-compliance-and-data-information/>.
- a. Please provide the date on which the CCR Compliance website was taken down.
 - b. Please explain how Big Rivers is complying with federal CCR law while the site is down.
 - c. Please provide the update that Mr. Mizell states he asked to be placed on the CCR Compliance website on May 21, 2024.

Dated: May 31, 2024

Respectfully submitted,

Of counsel (not licensed in Kentucky)

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Sierra Club submission was served upon all parties of record in this proceeding on May 31, 2024, by first-class U.S. mail, hand delivery, and/or e-mail, as permitted by the presiding officer.

/s/ Joe F. Childers
JOE F. CHILDERS