

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

**In the Matter of:**

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

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**SIERRA CLUB’S SUPPLEMENTAL REQUESTS FOR INFORMATION  
TO BIG RIVERS ELECTRIC CORPORATION**

Sierra Club respectfully submits these Supplemental Requests for Information (“RFI”) to Big Rivers Electric Corporation (“Big Rivers” or the “Company”) in the above-captioned proceeding pursuant to the Commission’s November 30, 2023 Order. Pursuant to that Order, the Company shall respond to these requests for information no later than February 16, 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,” or “Big Rivers,” 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.

## **REQUESTS FOR INFORMATION**

- 1.1 Please refer to Big Rivers’ response to Sierra Club 1.8, which states, “Big Rivers has been working in coordination with the Kentucky Energy and Environment Cabinet to address EPA’s concerns about regional haze, and at this point, Big Rivers does not believe that any additional actions are necessary for Big Rivers to meet its compliance obligations.”
  - a. Please describe how Big Rivers has been working in coordination with the Kentucky Energy and Environment Cabinet to address EPA’s concerns about regional haze.
  - b. Please provide all copies of communications with the Kentucky Energy and Environment Cabinet regarding Big Rivers’ work in coordination with them to address EPA’s concerns about regional haze.
  - c. Why does Big Rivers believe that no additional actions are necessary for Big Rivers to meet its compliance obligations?
  - d. Please provide any analyses, documents, or workpapers regarding Big Rivers analysis of and steps taken to comply with regional haze obligations.
- 1.2 Please refer to Big Rivers’ response to Sierra Club 1.4, which states that D.B. Wilson’s “retirement is not expected for decades.”



- a. Please provide any analyses, documents, or workpapers considering or regarding replacement generation for D.B. Wilson.
  - b. If Big Rivers has not yet begun planning for replacement generation, please describe when Big Rivers expects to do so.
- 1.3 Please refer to Big Rivers' response to Sierra Club 1.9.
- a. Please provide any analyses, documents, or workpapers regarding Big Rivers' conclusion that it remains in compliance with all provisions of 40 CFR Part 257.
- 1.4 Please refer to the IRP pp. 100-101.
- a. Is closure of the Green Station ash pond complete?
  - b. Please provide any analyses, documents, or workpapers demonstrating the current status of the Green Station ash pond.
  - c. Is closure of the Station Two ash pond complete and/ or on track for completion by April 2024?
  - d. Please provide any analyses, documents, or workpapers demonstrating the current status of the Station Two ash pond.
  - e. Is installation of the final cover system for the Wilson Station landfill complete?
  - f. Please provide any analyses, documents, or workpapers demonstrating the current status of the final cover system for the Wilson Station landfill.
- 1.5 Please provide all studies, analyses, documents, or workpapers created by Big Rivers pertaining to the Inflation Reduction Act ("IRA"), the effects of the IRA on Big Rivers' generation portfolio, or any other potential benefits that the IRA could provide to Big Rivers and its customers.
- 1.6 Please refer to Big Rivers' response to Sierra Club 1.19.a. Please state whether Big Rivers is willing to provide this information pursuant to a confidentiality agreement and, if not, why not.
- 1.7 Please refer to Big Rivers' response to Sierra Club 1.19.b.
- a. Please define "CWP."

- b. Please provide any and all copies of such analysis or assessment and all communications regarding such analysis or assessment as requested in Sierra Club 1.19.b.
- 1.8 Please refer to Big Rivers’ response to Sierra Club 1.19.c, which states, “Additional information and reports are available on the MISO website.”
- a. Please provide the referenced “[a]dditional information and reports.”
- 1.9 Please refer to Big Rivers’ response to Sierra Club 1.21, which states, “Big Rivers is in the early stages of evaluating carbon capture and sequestration, including its feasibility.”
- a. Please describe the steps that Big Rivers has taken to date in evaluating carbon capture and sequestration.
  - b. Please provide any analyses, documents, or workpapers relating to Big Rivers’ evaluation of carbon capture and sequestration to date.
  - c. Please describe Big Rivers’ plan to evaluate carbon capture and sequestration.
  - d. Please provide any analyses, documents, or workpapers relating to Big Rivers’ plan to evaluate carbon capture and sequestration.
- 1.10 For D.B. Wilson, please provide Generator Availability Data System (GADS) data in Excel format showing all forced outage events during the years 2014-2023, including the start and end time for the outage, the MW or MWh on outage, and the cause code or any other information reported to NERC about the cause of the outage.

Dated: January 26, 2024

*Of counsel* (not licensed in Kentucky)

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Respectfully submitted,

/s/ Joe F. Childers  
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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 January 26, 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