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To:	Linda Faulkner	From:	David Spainhoward
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Subject:

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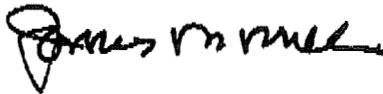
Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard, P.O. Box 615
Frankfort, Kentucky 406-0615

Re: In the Matter of: Notice and Application of
Big Rivers Electric Corporation for a General
Rate Adjustment in Rates, P.S.C. Case No. 2009-00040

Dear Mr. Derouen:

Enclosed for filing on behalf on Big Rivers Electric Corporation ("Big Rivers") are an original and ten (10) copies of Big Rivers' Objections to the First Set of Data Requests of Kentucky Industrial Utility Customers, Inc. I certify that a copy of the objections has been served on the attached service list.

Sincerely yours,



James M. Miller

Cc: Mark A. Bailey
David Spainhoward
Service List

Telephone (270) 926-4000
Telecopier (270) 683-6694

100 St. Ann Building
PO Box 727
Owensboro, Kentucky
42302-0727

SERVICE LIST
BIG RIVERS ELECTRIC CORPORATION
PSC CASE NO. 2009-00040

Hon. Dennis Howard
Assistant Attorney General
Office of the Attorney General
Utility & Rate Intervention Division
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)
CORPORATION FOR A GENERAL) CASE NO. 2009-00040
ADJUSTMENT IN RATES)

**BIG RIVERS ELECTRIC CORPORATION'S OBJECTIONS TO THE FIRST SET OF
DATA REQUESTS OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

The initial data requests of Kentucky Industrial Utility Customers, Inc. ("KIUC") are dated March 17, 2009, and were received by Big Rivers Electric Corporation ("Big Rivers") on March 18, 2009. Big Rivers has reviewed the data requests has a call scheduled with KIUC later today to attempt to resolve Big Rivers' objections to the data requests. Because a resolution has not yet been reached, Big Rivers makes the following objections pursuant to the Public Service Commission's March 16, 2009, Order.

Q.1-8. Big Rivers objects to this request on the ground that it asks, in part, for irrelevant and privileged documents. The request asks for 12 months worth of documents. Big Rivers' need for the proposed rate increase did not arise until after September 2008, and documents prior to that date are irrelevant. Any documents related to the unwind transaction approved by the Commission in Case No. 2007-00455 are also irrelevant because the requested rate relief will be unnecessary if that transaction closes. It would be unduly burdensome to require Big Rivers to provide documents prior to September 2008 and to provide documents related to the unwind transaction. Additionally, any documents covered by the attorney-client and work product privileges and any documents relating to negotiations are privileged. Big Rivers will provide the documents requested that are not privileged and not related to the unwind transaction for the period from September 2008 through the present.

1 Q.1-9. Big Rivers objects to this request on the ground that it asks, in part, for irrelevant
2 and privileged documents. The request asks for any documents “that relate in any way to Big
3 Rivers’ ability to obtain financing during any time in 2009.” Big Rivers’ need for the proposed
4 rate increase did not arise until after September 2008, and documents prior to that date are
5 irrelevant. Any documents related to the unwind transaction approved by the Commission in
6 Case No. 2007-00455 are also irrelevant because the requested rate relief will be unnecessary if
7 that transaction closes. Additionally, any documents covered by the attorney-client and work
8 product privileges and any documents relating to negotiations are privileged. Big Rivers will
9 provide the documents requested that are not privileged, that are not related to the unwind
10 transaction, and that relate specifically to Big Rivers’ attempts to obtain financing in 2009, under
11 circumstances where there has been no unwind transaction.

12 Q.1-10. Big Rivers objects to this request on the grounds that it asks for irrelevant
13 documents and that it is overly broad. All documents provided to or received from Moody’s
14 relate to the unwind transaction and are therefore irrelevant to this case. Additionally, the
15 request asks for documents for the past 12 months. Big Rivers’ need for the proposed rate
16 increase did not arise until after September 2008, and documents prior to that date are irrelevant.

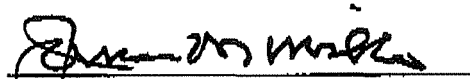
17 Q.1-11. Big Rivers objects to this request on the grounds that it asks for irrelevant
18 documents and that it is overly broad. All documents provided to or received from S&P relate to
19 the unwind transaction and are therefore irrelevant to this case. Additionally, the request asks for
20 documents for 12 months. Big Rivers’ need for the proposed rate increase did not arise until
21 after September 2008, and documents prior to that date are irrelevant.

22 Q.1-12. Big Rivers objects to this request on the grounds that it asks, in part, for
23 irrelevant and privileged documents and that it is overly broad. Big Rivers’ need for the

1 proposed rate increase did not arise until after September 2008, and documents prior to that date
2 are irrelevant. The request asks for all Board meeting minutes and presentations to the Board,
3 much of which have no relevance to Big Rivers' proposed rate increase. Any documents related
4 to the unwind transaction approved by the Commission in Case No. 2007-00455 are also
5 irrelevant because the requested rate relief will be unnecessary if that transaction closes. The
6 request is also overly broad and unduly burdensome. Additionally, any documents covered by
7 the attorney-client and work product privileges and any documents relating to negotiations are
8 privileged. Big Rivers will provide the documents requested that are not privileged, that are not
9 related to the unwind transaction, and that are related to the proposed rate relief request, for the
10 period from September 2008 through the present.

11 On this the 20th day of March, 2009.
12

13 SULLIVAN, MOUNTJOY, STAINBACK
14 & MILLER, PSC
15

16 
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26 CORPORATION