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PUBLIC SERVICE
COMMISSION

March 20, 2009

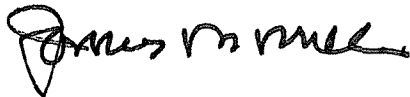
Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard, P.O. Box 615
Frankfort, Kentucky 406-0615

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

Hon. Dennis Howard
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Utility & Rate Intervention Division
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1 COMMONWEALTH OF KENTUCKY
2 BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY
3

4 In the Matter of:

5
6 APPLICATION OF BIG RIVERS ELECTRIC)
7 CORPORATION FOR A GENERAL) CASE NO. 2009-00040
8 ADJUSTMENT IN RATES)
9

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11 **BIG RIVERS ELECTRIC CORPORATION'S OBJECTIONS TO THE FIRST SET OF**
12 **DATA REQUESTS OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**
13

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

20 Q.1-8. Big Rivers objects to this request on the ground that it asks, in part, for irrelevant
21 and privileged documents. The request asks for 12 months worth of documents. Big Rivers'
22 need for the proposed rate increase did not arise until after September 2008, and documents prior
23 to that date are irrelevant. Any documents related to the unwind transaction approved by the
24 Commission in Case No. 2007-00455 are also irrelevant because the requested rate relief will be
25 unnecessary if that transaction closes. It would be unduly burdensome to require Big Rivers to
26 provide documents prior to September 2008 and to provide documents related to the unwind
27 transaction. Additionally, any documents covered by the attorney-client and work product
28 privileges and any documents relating to negotiations are privileged. Big Rivers will provide the
29 documents requested that are not privileged and not related to the unwind transaction for the
30 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.

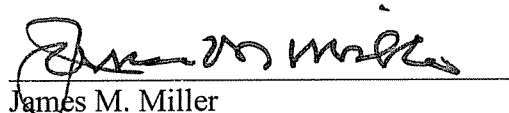
17 Q.1-11. Big Rivers objects to this request on the grounds that it asks for irrelevant
18 documents and that it is overly broad. All documents provided to or received from S&P relate to
19 the unwind transaction and are therefore irrelevant to this case. Additionally, the request asks for
20 documents 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.

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13 SULLIVAN, MOUNTJOY, STAINBACK
14 & MILLER, PSC
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26 CORPORATION