

1 COMMONWEALTH OF KENTUCKY
2 BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY
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NOV 12 2013
PUBLIC SERVICE
COMMISSION

5 In the Matter of:

6
7 APPLICATION OF BIG RIVERS ELECTRIC)
8 CORPORATION FOR A GENERAL) Case No. 2013-00199
9 ADJUSTMENT IN RATES)
10

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12 **BIG RIVERS ELECTRIC CORPORATION'S FIRST REQUEST FOR INFORMATION**
13 **TO BEN TAYLOR AND SIERRA CLUB**
14

15 Big Rivers Electric Corporation submits these first requests for information to Ben Taylor
16 and Sierra Club, to be answered in accordance with the following Definitions and Instructions.

17 **DEFINITIONS**

18 1. Whenever it is necessary to bring within the scope of these information requests
19 documents that otherwise might be construed to be outside their scope (1) the use of "and" as
20 well as "or" shall be construed both disjunctively and conjunctively; (2) the use of a word in its
21 singular form shall be construed to include within its meaning its plural form as well, and vice
22 versa; (3) the use of "include" and "including" shall be construed to mean "without limitation";
23 and (4) the use of a verb in any tense or voice shall be construed as the use of that verb in all
24 other tenses and voices.

25 2. "Big Rivers" means Big Rivers Electric Corporation.

26 3. "Sierra Club," "you," or "your" means Ben Taylor, Ben Taylor's agents and
27 consultants, Sierra Club, and Sierra Club's agents, officers, directors, employees, and
28 consultants.

29 4. "Synapse" means Synapse Energy Economics, Inc.

30 5. "Commission" means the Kentucky Public Service Commission.

1 6. “Document” means any written, recorded, transcribed, printed or impressed
2 matter of whatever kind, however produced, stored or reproduced, including, but not limited to,
3 sound or pictorial recordings, computerized information, books, pamphlets, letters, memoranda,
4 telegrams, electronic or mechanical transmissions, communications of all kinds, reports, notes,
5 working papers, handwritings, charts, papers, writings, printings, transcriptions, tapes and
6 records of all kinds. Document includes, without limitation, all workpapers produced by or
7 relied upon by the witness.

8 7. “Person” includes a natural person, a business organization of any type, an
9 unincorporated association, a governmental subdivision, agency, or entity, and a business trust.

10 8. Wherever in these information requests you are asked to “identify,” you are
11 requested:

12 a. when identifying a person, to give such person’s:

- 13 (1) full name,
- 14 (2) business address, residence address, and telephone number,
- 15 (3) his or her present or last known position and business affiliation at
16 the time in question, and
- 17 (4) the nature of such person’s participation in, and the scope of his
18 responsibility with regard to, the facts and events underlying the
19 present case;

20 b. when identifying an oral communication, to:

- 21 (1) identify the author thereof and the parties thereto,
- 22 (2) state the date of the communication,
- 23 (3) state the place of the communication,

- 1 (4) state the substance of the communication, and
- 2 (5) state whether such communication has been reduced to writing
- 3 and, if so, identify each document and the present custodian
- 4 thereof;

5 c. when identifying other information, to state:

- 6 (1) the source thereof,
- 7 (2) any oral communications pertaining thereto,
- 8 (3) any documents pertaining thereto, and
- 9 (4) the substance of the information;

10 d. when identifying a document, to:

- 11 (1) identify the author thereof and the parties thereto,
- 12 (2) state its title or other identifying data,
- 13 (3) state the date of the document or if no date appears thereon, the
- 14 approximate date,
- 15 (4) state the exact nature and substance thereof;
- 16 (5) identify each person having possession, care, custody or control of
- 17 the original and any copies thereof; and
- 18 (6) if such document was, but no longer is, in your possession or
- 19 subject to your control, state what disposition was made of it.

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INSTRUCTIONS

- 22 1. If any document called for by any of these data requests is withheld based upon a
- 23 claim of privilege or work product, please produce so much of the document as to which you do

1 not claim privilege or protection, and for each document or part of a document for which you
2 claim privilege or protection, describe or identify:

- 3 a. The nature, subject matter and substance of the document or part of the
4 document withheld;
- 5 b. The nature of the privilege or protection claimed;
- 6 c. The date, author or authors, addressee or addressees, and distribution of
7 the document;
- 8 d. Each person in whose possession, custody or control any copy of the
9 document is or has been; and
- 10 e. Paragraph number of the schedule of documents to which the document or
11 part of the document is responsive.

12 2. If, for reasons other than a claim of privilege or work product, you refuse to
13 answer any data request or to produce any document requested, state the grounds upon which the
14 refusal is based with sufficient specificity to permit a determination of the propriety of such
15 refusal.

16 3. If any copy of any document requested herein or any record which refers or
17 relates to any document requested herein has been destroyed or lost, set forth to the extent
18 possible the content of each such document, the date such document and its copies were
19 destroyed or lost and, if destroyed, the identity of the person authorizing such destruction, and
20 the identity of the last known custodian of such document prior to its destruction.

21 4. These data requests shall be deemed continuing and you should serve upon Big
22 Rivers' counsel (1) supplemental responses to these data requests if additional information or
23 information that changes your response to any data request is obtained during the course of this

1 proceeding, and (2) any documents requested herein that become available or that are discovered
2 after the date your responses to these data requests are due.

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DATA REQUESTS

5 1. What revenue requirement is Mr. Ackerman recommending Big Rivers should be
6 permitted to recover?

7 2. Refer to the Direct Testimony of Frank Ackerman at page 10, where Mr.
8 Ackerman states, "Since this case was filed, ACES has produced yet another, higher forecast."
9 Is Mr. Ackerman referencing the August 2013 forecast provided in Big Rivers' response to PSC
10 2-14? If not, please identify the forecast Mr. Ackerman is referencing and provide such forecast
11 or the location in the record where such forecast has been filed.

12 3. Refer to the Direct Testimony of Frank Ackerman at page 13, line 11. Please
13 provide support for the assertion that PJM capacity was "tighter" than in MISO in recent years.

14 4. Refer to the Direct Testimony of Frank Ackerman at page 16, where Mr.
15 Ackerman states, "Elasticities of -.16 to -.21 are at the low end of the range of published
16 estimates" in response to the question, "What is your evaluation of the rural price elasticities used
17 in this case." Please list each published estimate of "rural price elasticities" of which Mr.
18 Ackerman is aware, identify the source of the estimate, and provide all source documents.

19 5. Refer to the Direct Testimony of Frank Ackerman at page 25. Please list and
20 describe all occasions on which Mr. Ackerman renegotiated debt covenants on behalf of either a
21 utility or a creditor of a utility.

1 6. Please identify and provide all studies or other documents that show that the
2 electric rates for Big Rivers' members or their retail customers after a Big Rivers bankruptcy
3 filing would be lower than the rates Big Rivers has proposed in this proceeding.

4 7. Please provide any analysis Mr. Ackerman has performed of the impact of the
5 reduced equity and available collateral that would result from Big Rivers retiring its Wilson and
6 Coleman generating stations on Big Rivers' ability to borrow or on the interest rates Big Rivers
7 would pay if it were able to borrow.

8 8. Please provide a detailed description of Mr. Ackerman's expertise and experience
9 in each of: (i) electric utility restructuring; (ii) Chapter 11 bankruptcies; (iii) Chapter 7
10 bankruptcies; and (iv) electric cooperative management.

11 9. Please provide a copy of all documents showing communications between you
12 and any representative of another intervenor regarding, arising out of, or related to this case.

13 10. Please provide a copy of all documents showing communications between you
14 and any person not a party to this case regarding, arising out of, or related to this case.

15 11. Please provide a copy of all documents showing internal communications within
16 Sierra Club regarding, arising out of, or related to this case.

17 12. Has Sierra Club, Mr. Ackerman, or Synapse evaluated whether the possibility of
18 increased environmental regulation associated with "fracking" in connection with the production
19 of natural gas could increase the market price and/or decrease the supply of natural gas fuel? If
20 so, please describe the conclusions of that evaluation in detail, and provide all studies and other
21 documents supporting those conclusions.

22 13. Please describe in detail Sierra Club's position on the practice of "fracking" in
23 connection with the production of natural gas.


1 14. Has Sierra Club, Mr. Ackerman, or Synapse evaluated whether increased exports
2 of natural gas could increase the market price of natural gas fuel? If so, please describe the
3 conclusions of that evaluation in detail, and provide all studies and other documents supporting
4 those conclusions.

5 15. Has Sierra Club, Mr. Ackerman, or Synapse evaluated whether an increasing
6 incidence of coal-fired generating plants converting to or being replaced by natural-gas fired
7 generating plants could increase the market price of natural gas fuel and/or lower the price of
8 coal fuel? If so, please describe the conclusions of that evaluation in detail, and provide all
9 studies and other documents supporting those conclusions.

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1 On this the 11th day of November, 2013.

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3 Respectfully submitted,


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28 Counsel for Big Rivers Electric Corporation
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31 **Certificate of Notice**

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33 I certify that a true and accurate copy of the foregoing was served by electronic mail on
34 each party to this proceeding on the 11th day of November, 2013, and will be served by either
35 first class mail or by Federal Express upon the persons listed on the service list accompanying
36 these requests, on the 12th day of November, 2013.
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40 _____
Tyson Kamuf