

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF EAST KENTUCKY POWER)	2022-00264
COOPERATIVE, INC. FROM NOVEMBER 1, 2021)	
THROUGH APRIL 30, 2022)	

ORDER

Foresight Coal Sales (Foresight) has filed suit against the Commission in the Eastern District of Kentucky, United States District Court alleging that KRS 278.277 is unconstitutional. The case is docketed as 3:21-cv-00016-GFVT-EBA, *Foresight Coal Sales, LLC. v. Chandler*.¹ This Order is to put East Kentucky Power Cooperative (EKPC) on notice that Foresight, through discovery, has requested that the Commission produce fuel bid sheets, filed with the Commission on September 30, 2022, that the Commission has afforded confidential treatment.


Commission regulation 807 KAR 5:001E, Section 13(10)(d), as well as the Commission's February 14, 2023 Order granting confidential treatment, require that the Commission notify EKPC of the request and allow EKPC 20 days in which to file a response to the request for production of the bid sheet. Accordingly, the Commission finds that EKPC should file, within 20 days of the date of service of this Order, a response to the request to inspect the confidential material.

¹ *Foresight Coal Sales, LLC. v. Chandler*, et al, 3:21CV00016. See, generally, *Foresight Coal Sales, LLC. v. Chandler*, 60 F.4th 288 (6th Cir. 2023).

IT IS THEREFORE ORDERED that within 20 days of the date of service of this Order, EKPC shall file a response to Foresight's request to review confidential fuel bid sheets.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION



Chairman


Vice Chairman


Commissioner

ENTERED
JUN 08 2023
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 6202
Lexington, KENTUCKY 40509

*East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*East Kentucky Power Cooperative, Inc
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707