

August 1, 2005

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HAND DELIVERED

Beth O' Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

RECEIVED

AUG 1 2005

PUBLIC SERVICE
COMMISSION

RE: PSC Case 2004-00463 –Hearing Data Request No. 4

Dear Ms. O'Donnell:

Enclosed please find and accept for filing eleven copies of the signed Order dismissing the coal contract litigation between AEP and the Pevler entities as settled. The signed agreement was filed on July 15, 2005. This completes the company's response to the request.

Please call me if you have any questions.

Sincerely yours,

STITES & HARBISON PLLC


Mark R. Overstreet

cc: Michael L. Kurtz, Esq.
Elizabeth E. Blackford

FILED
ENTERED 7-21-05
JACK H. HORN, CLERK
MARTIN CIRCUIT & DISTRICT COUF

FINAL ORDER

COMMONWEALTH OF KENTUCKY
MARTIN CIRCUIT COURT
CIVIL ACTION NO. 04-CI-00120

RECEIVED

AUG 1 2005

PUBLIC SERVICE
COMMISSION

CZAR COAL CORPORATION;
BEECHFORK PROCESSING, INC.;
AND PEVLER COAL SALES
COMPANY, INC.,

PLAINTIFFS

v. **FINAL ORDER**

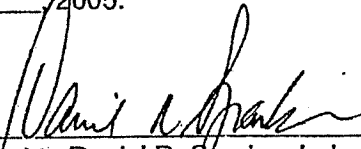
KENTUCKY POWER COMPANY,

DEFENDANT

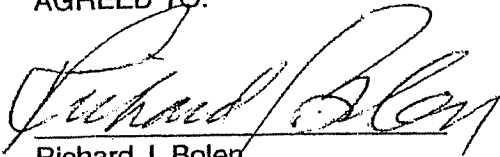
This day came the parties hereto by counsel and having represented that all matters in difference herein have been fully adjusted and settled, moved that this action be dismissed with prejudice, each party to pay its own costs and attorneys' fees, which motion the Court was of the opinion to and did grant.

It is therefore **ORDERED** by the Court that this cause be and the same is hereby **DISMISSED**, agreed settled with prejudice as to all matters declared upon, and with each party paying its own court costs and attorneys' fees.

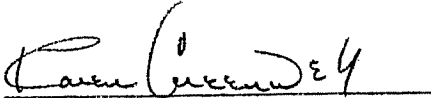
Dated this 19th day of July 2005.


Honorable Daniel R. Sparks, Judge

AGREED TO:



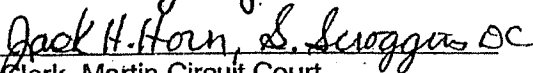
Richard J. Bolen
Huddleston Bolen LLP
611 Third Avenue
P. O. Box 2185
Huntington, WV 25722
304-529-6181
Counsel for Defendant



Karen J. Greenwell
Wyatt, Tarrant & Combs, LLP
250 West Main Street, Suite 1600
Lexington, KY 40507
859-233-2012
Counsel for Plaintiffs

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that the foregoing Final Order has been served upon the parties by mailing a true and correct copy to Richard J. Bolen, Huddleston Bolen LLP, 611 Third Avenue, P. O. Box 2185, Huntington, WV 25722, and Karen J. Greenwell, Wyatt, Tarrant & Combs, LLP, 250 West Main Street, Suite 1600, Lexington, KY 40507, on this 21 day of July, 2005.


Clerk, Martin Circuit Court

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