

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 KENTUCKY UTILITIES COMPANY)	2022-00038
FROM MAY 1, 2021 THROUGH OCTOBER 31,)	
2021)	

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 Kentucky Utilities Company (KU) on notice that Foresight, through discovery, has requested that the Commission produce fuel bid sheets, filed with the Commission on April 15, 2022, that the Commission has afforded confidential treatment.

Commission regulation 807 KAR 5:001E, Section 13(10)(d), as well as the Commission's December 12, 2022 Order granting confidential treatment, require that the Commission notify KU of the request and allow KU 20 days in which to file a response to the request for production of the bid sheet. Accordingly, the Commission finds that KU 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, KU shall file a response to Foresight's request to review confidential fuel bid sheets.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
JUN 08 2023
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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