

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| AN ELECTRONIC EXAMINATION OF THE |) | |
| APPLICATION OF THE FUEL ADJUSTMENT |) | CASE NO. |
| CLAUSE OF KENTUCKY POWER COMPANY |) | 2022-00263 |
| 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 Kentucky Power Company (Kentucky Power) 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 17, 2023 Order granting confidential treatment, require that the Commission notify Kentucky Power of the request and allow Kentucky Power 20 days in which to file a response to the request for production of the bid sheet. Accordingly, the Commission finds that Kentucky Power 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, Kentucky Power shall file a response to Foresight's request to review confidential fuel bid sheets.

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PUBLIC SERVICE COMMISSION



Chairman



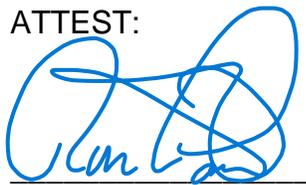
Vice Chairman



Commissioner

ENTERED
JUN 08 2023
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



FOR

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