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May 6, 2009

Jeff Derouen
Executive Director
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40602-0615

RE: Case No. 2009-00064

RECEIVED

MAY 08 2009

PUBLIC SERVICE
COMMISSION

Dear Mr. Derouen:

On behalf of Lee Etta Cummings, the following are my comments and suggested corrections to the PSC's Memorandum dated April 29, 2009, regarding the informal conference held on April 23, 2009.

On page 1, the second sentence currently states: "She stated that, on the tract of land she owns solely and in fee, there are approximately 50,000 tons of mineable coal and that she currently has a lease with Sapphire Mining to mine this coal." Ms. Cummings currently has a lease with Sapphire Mining for the lower seams on her fee tract, and Sapphire Mining has requested an extension of that lease to include the 50,000 tons of mineable coal Ms. Cummings referred to at the informal conference. Ms. Cummings has not actually signed a lease extension yet and has been negotiating that lease extension with Sapphire Mining. Therefore, please correct the Memorandum to state: "She stated that, on the tract of land she owns solely and in fee, there are approximately 50,000 tons of mineable coal. She currently has a lease with Sapphire Mining for her fee tract and is in the process of extending that lease to include the 50,000 tons of mineable coal."

On page 2, the first partial paragraph, the first sentence after the parenthical reference to Exhibit 1 should be corrected to state that Ms. Cummings did NOT give her permission for a new access road as follows: "Ms. Cummings also stated that she did not give her permission for the access road use, and that she did not give her permission for a new access road to be graded across the property she co-owns."

Jeff Derouen
May 6, 2009
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Please let me know if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Nora J. Shepherd". The signature is written in a cursive style with a large initial "N".

Nora J. Shepherd

cc: William S. Kendrick, Esq.
Francis, Kendrick & Francis
P. O. Box 268
Prestonsburg, KY 41653