

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 POWER COMPANY	)	2022-00036
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*.<sup>1</sup> 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 April 14, 2022, that the Commission has afforded confidential treatment.

Commission regulation 807 KAR 5:001E, Section 13(10)(d), as well as the Commission's November 30, 2022 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.


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<sup>1</sup> *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:

  
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