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May 31, 2023

TRANSMITTED ELECTRONICALLY

Parties of Record

Re: Case No. 2021-00293, *An Electronic Examination Of The Application Of The Fuel Adjustment Clause Of East Kentucky Power Cooperative, Inc. From November 1, 2020 Through April 30, 2021*: Requests to inspect confidential fuel bid sheets granted confidential treatment.


To Whom It May Concern:

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*. This letter is to put East Kentucky Power Cooperative, Inc. (EKPC) on notice that Foresight, through discovery, has requested that the Commission produce fuel bid sheets, filed with the Commission on September 1, 2021, that the Commission has afforded confidential treatment.

807 KAR 5:001, Section 13(10)(d), as well as the April 17, 2023 Order granting confidential treatment to the bid sheets in Case No. 2020-00246, require that the Commission notify EKPC of the request and allow EKPC 20 days in which to file a response to the request for production of the bid sheet. Accordingly, EKPC is directed to file, within 20 days of receipt of this letter, and through the Commission's electronic filing system in the docket of Case No. 2021-00293, a response to the request to inspect the confidential material.

If you have any questions, please contact J.E.B. Pinney, Executive Advisor, at (502) 782-2587 or via e-mail, Jeb.Pinney@ky.gov

Sincerely,


Linda Bridwell, P.E.
Executive Director

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