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December 28, 2010

The Honorable Phillip J. Shepherd Franklin Circuit Court Judge, Division I Franklin County Courthouse 669 Chamberlin Avenue Frankfort, Ky. 40601

RE:

December 15, 2010 Order

Cabinet v. Frasure Creek Mining, LLC, et al.

Case Nos. 10-CI-1867 and 1868

VIA US MAIL AND EMAIL

Dear Judge Shepherd:

I write to ask for clarification of the Court's December 15, 2010 Order.

On December 20, 2010, the Cabinet posted the two tendered Consent Judgments on its website at: http://eec.ky.gov/Pages/default.aspx. The Cabinet did not post the Complaints and Exhibits that are referenced in the Consent Judgments and were filed with the Consent Judgments in these actions.

On December 20, 2010, I wrote, via email, to the Cabinet's attorneys asking the Cabinet to include the Complaints and Exhibits with the Cabinet's posting. Mary Stephens, counsel for the Cabinet, responded and stated that the Cabinet would not post the Complaints and Exhibits. She stated that the Court's Order did not require posting and that posting was not practical because of the voluminous nature of the materials.

The Applicants for Intervention believe that because the Complaints and Exhibits are

expressly referenced in the Consent Judgments that the Court's Order requires that they be posted. Further, without such posting the public cannot know the full scale of the claims and the nature and outcome of the Cabinet's investigation. Without such knowledge, the public's ability to comment on the proposed Consent Judgment is limited.

Applicants therefore respectfully ask this Court to clarify its December 15, 2010 Order regarding what materials should be posted to the Cabinet's website.

Thank you for your time and attention to this matter.

Sincerely

Mary Varson Cromer

cc (via email and US Mail)

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