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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

