

Filed 5/29/2026 OAH

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
OFFICE OF ADMINISTRATIVE HEARINGS

FILE NO. FCO-25-1-0211

Consolidated with FCO-25-1-0201, FCO-25-1-0200, FCO-25-1-0191, FCO-25-1-0179, FCO-25-1-0177, FCO-25-1-0163, FCO-25-1-0014, FCO-25-1-0013, FCO-24-1-0578, FCO-24-1-0547, FCO-24-1-0545, FCO-24-1-0524, FCO-24-1-0454, FCO-24-1-0453, FCO-24-1-0452, FCO-24-4-0442, VCP-24-4-0017, VCP-24-4-0213, FVP-24-4-0006, FVP-24-4-0321, FVP-24-4-0143, FVP-23-4-0532, FCO-24-1-0411, FCO-24-1-0393, FCO-24-1-0386, FCO-24-1-0374, FCO-24-1-0365, FCO-24-1-0363, FCO-24-1-0221, FCO-24-1-0205, FCO-24-1-0153, FCO-24-1-0116, FCO-24-1-0098, FCO-23-1-0610, FCO-23-1-0337, VCP-23-1-0337, VCP-23-1-0610, VCP-24-1-0098, VCP-24-1-0116, VCP-24-1-0153, VCP-24-1-0221

PERMIT NO. 8365686, 8480386, 8800267, 8800275, 8800276, 8800278, 8800279, 8800283, 8805198, 8805200, 8805204, 8807040, 8807042, 8807044, 8808024, 8808027, 8981016, 8984598, 8984600, 8984608, 8987119, 8989182, 8989186

NONCOMPLIANCE NO. 238363, 530468, 533737, 533738, 533740, 534080, 534383, 534531, 534589, 534735, 536440, 536441, 536500, 537024, 537417, 537769, 537839, 537928, 537929, 537931, 537932, 537936, 537940, 537942, 537943, 538226, 538637, 538660, 538663, 538846, 539386, 539389, 540169, 540979, 541735

FAILURE TO ABATE CESSATION ORDER NO. 233382, 530070, 530418, 530670, 531338, 531473, 531658, 531839, 531840, 531841, 531842, 531843, 532467, 532506, 532507, 532707, 532713, 532918, 532927, 532928, 533077, 533180, 533322, 533323, 533374, 533384, 533403, 533436, 533706, 534918, 535126

ENVIRONMENTAL ADMIN. HEARING OFFICER SAMUEL J. SHORT

LEXINGTON COAL COMPANY, LLC

PETITIONER

vs.

ENERGY AND ENVIRONMENT CABINET

RESPONDENT

ORDER SCHEDULING STATUS CONFERENCE

This matter came before the undersigned Hearing Officer for a Status Conference on May 21, 2026. Hon. Helena R. Jackson appeared on behalf of the Petitioner, Lexington Coal Company, LLC (“Petitioner”). Hon. Blake Adams, Hon. Matt Myers, Hon. Sarah Michaels, Hon. Emily

Payne, Hon. Brandon Roberts, and Hon. John Garvey all appeared on behalf of the Respondent, Energy and Environment Cabinet (“Cabinet”). Hon. Blake Adams spoke for the Cabinet. The telephonic conference was electronically recorded.

The parties said parallel proceedings related to Petitioners defenses involving a reclamation agreement remain ongoing in the Franklin Circuit Court but that there are no pending deadlines. Petitioner said the court previously instructed the parties to resolve the matter by agreement before coming back. Resolution requires determining what the Cabinet wants Petitioner to do before releasing the money(s) necessary for Petitioner to perform reclamation. The parties discussed at length whether it may be premature to resolve these proceedings before the court resolves the contractual issues. The parties agreed the court’s resolution of the contractual issues may impact any recommendation made by the Hearing Officer after weighing the reclamation agreement as a defense. The parties also agreed that the analogy of asking the court to first resolve the contractual issues to the Cabinet requiring an applicant to resolve any *bona fide* property dispute in a court of competent jurisdiction before permitting it is not unfair. Both circumstances recognize the court’s authority(ies) to resolve those issues. The Hearing Officer encouraged the parties to please consider resolving the court proceedings as expeditiously as is practicable for the reclamation agreement to be weighed resolutely as a defense in these proceedings. See KRS 350.0301.

The parties were encouraged to consider mediation of these proceedings. That may involve mediation under 400 KAR 1:090, Section 23. The parties may also inquire with the Kentucky Attorney General’s Office or locate another third-party mediator. The Cabinet has been opposed to mediation. Petitioner expressed interest in mediation.

The parties said they are meeting again soon to discuss settlement and a path forward. The first issue to resolve involves money(s).


The Cabinet said that File No. FCO-24-1-0098 is a priority to schedule for a hearing and the VCP petition has “caught up.” File No. FCO-24-1-0393 is also a priority (but no related VCP petition is filed yet). After discussing the issues above none of the specific proceedings were expedited for hearings. With those considerations in mind, the parties scheduled the Status Conference below.

Having consulted with counsel, and being otherwise duly advised, the Hearing Officer hereby Orders:

(1) The parties shall appear for a telephonic status conference on September 21, 2026, at 1:00 PM (ET). The parties shall call the Office of Administrative Hearings at **1-866-889-3903** at the time and on the date set for the conference. After the prompt for the conference code, enter **80306704#**. If a party experiences any problems with the conference line during the conference, please contact the Office of Administrative Hearings directly at 1-502-564-7312 and report the problem immediately.

(2) If a document which completely resolves this matter is signed by all Parties and filed in the Office of Administrative Hearings on or before the next Status Conference, then that Status Conference shall be automatically canceled and the Hearing Officer will take appropriate action on the document filed.

So ORDERED on May 29, 2026.



Hon. Samuel J. Short
Environmental Administrative Hearing Officer
Office of Administrative Hearings
Energy and Environment Cabinet
211 Sower Boulevard
Frankfort, Kentucky 40601
Telephone: 1-502-564-7312
Facsimile: 1-502-564-4973

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Order, was served on

May 29, 2026 by electronic mail, upon the following:

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