

June 9, 2023

The Honorable Scott Harris  
Clerk of the Court  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, DC 20543

Via USPS Priority Mail

**Re: Request for extension of time to file a response to the petition  
*Kent Chandler, in His Official Capacity as Chairman and Commissioner of Kentucky  
Public Service Commission, et al. v. Foresight Coal Sales, LLC*  
S. Ct. No. 22-1083**

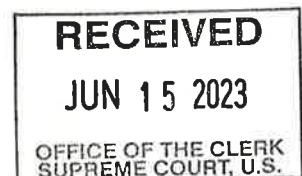
Dear Mr. Harris,

I am counsel for Respondent Foresight Coal Sales, LLC (“Respondent”), in this case.<sup>1</sup> Petitioners filed their Petition on May 4, 2023. On May 19, 2023, Respondent waived its right to respond. On June 6, 2023, however, the Court requested a response. Absent an extension, Respondent’s response is due on July 6, 2023. Pursuant to Rule 30.4, Respondent respectfully requests that the time for filing a response be extended by thirty days. Because a thirty-day extension of time would make Respondent’s brief due on Saturday, August 5, 2023, Respondent respectfully requests a due date of August 7, 2023.

This request for an extension is Respondent’s first. Good cause exists for the requested extension. Respondent’s counsel has numerous other professional commitments prior to the current deadline, including an oral argument on June 16, 2023, and an opening brief for a case in the U.S. Court of Appeals for the Ninth Circuit due on July 7, 2023. The requested extension is necessary to ensure Respondent and its counsel have an adequate opportunity to review and respond to the Petition for a Writ of Certiorari in light of these other commitments. The requested extension will also better

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<sup>1</sup> I am not currently a member of the Supreme Court of the United States Bar. Respondent understands that, at the time that the response is due, an attorney who is a member of Supreme Court of the United States Bar will need to file it. I am preparing an application for admission to be filed in advance of the response.



enable preparation of a response that will be most helpful to the Court. Further, there are no circumstances that necessitate a speedy ruling on the Petition.

Accordingly, Respondent requests a thirty-day extension of time, to and including August 7, 2023, to file its brief in opposition to the Petition for Writ of Certiorari. Before writing this letter, I informed Petitioners' counsel—Matthew F. Kuhn, Solicitor General of Kentucky—of Respondent's intent to request a thirty-day extension. Mr. Kuhn informed me by e-mail that Petitioners do not object to the requested thirty-day extension.

Thank you for your attention to this matter.

Respectfully submitted,  
/s/ Joshua I. Hammack  
Joshua I. Hammack  
Bailey & Glasser, LLP  
1055 Thomas Jefferson St., N.W., Suite 540  
Washington, D.C. 20007  
(202) 463-2101

**AFFIDAVIT OF SERVICE**

I, Joshua I. Hammack, of lawful age, being duly sworn, upon my oath state that I did, on the 9th day of June, 2023, send out from Washington, D.C., one package containing one letter to the Clerk of the Court pursuant to Rule 30.4 in the above-captioned case. All parties required to be served have been served by Priority Mail. Packages were plainly addressed to the following:

Matthew F. Kuhn  
Office of the Kentucky Attorney General  
700 Capital Avenue, Suite 118  
Frankfort, KY 40601

Daniel J. Grabowski  
Office of the Kentucky Attorney General  
700 Capital Avenue, Suite 118  
Frankfort, KY 40601

Executed this 9th day of June, 2023, in Washington, D.C.

/s/ Joshua I. Hammack

Joshua I. Hammack