

**ENERGY AND ENVIRONMENT CABINET  
OFFICE OF ADMINISTRATIVE HEARINGS**

**UPDATED NOTICE OF PROCEDURES IN RESPONSE TO COVID-19 EMERGENCY**

On March 6, 2020, Governor Beshear issued Executive Order 2020-215 declaring a State of Emergency in response to the novel coronavirus (the “virus”). To protect the health and safety of Energy and Environment Cabinet (“Cabinet”) employees, including Office of Administrative Hearings (“OAH”) staff, and those members of the public appearing before the agency, OAH implemented new filing and hearing procedures. These procedures are updated as set forth below, and are effective June 1, 2020, through such time that these procedures are amended or state restrictions regarding the virus are lifted.

1. **Filings:** To decrease risks posed by handling paper documents and because of reduced staff, all parties are encouraged to file pleadings, if possible, electronically with OAH using OAH’s dedicated email address for filings at: [EECOAHFILINGS@KY.GOV](mailto:EECOAHFILINGS@KY.GOV) . For large electronic filings, please send separate emails with separate attachments. Each party will receive an automatic electronic confirmation of the email filing. OAH regulations also provide for filing by facsimile at (502) 564-4973. Upon receipt, OAH staff will process the filing as soon as is practicable and provide the filing party with an electronic file-stamped copy of the pleading at the email address provided to OAH by the party. If the filing is an initiating document (e.g. a petition or complaint) a summons will also be issued separately and all documents will be served by OAH by U.S. Mail pursuant to controlling regulations. In addition to initiating documents with summons, only final hearing officer reports and recommended secretary orders will be served by OAH by U.S. Mail pursuant to controlling regulations. All other orders, including status orders and final secretary orders, will be served electronically by OAH. For those parties for whom OAH does not have email addresses, all pleadings will be served by OAH by U.S. Mail pursuant to controlling regulations. For service of penalty assessment conference proceedings, please see No. 7, below.

2. **Waiver of Regulation Requiring Filing of Original Documents:** OAH waives the regulatory requirement to file original documents when filings are emailed and filed electronically with OAH. Office staff will send a response to each pleading received by electronic email as noted in No. 1, above. If parties wish to send an original the same will be accepted although not required.

3. **Conferences:** In order to reduce person-to-person contact and minimize the risk of transmission of the virus, OAH has temporarily ceased all in-person appearances. OAH will continue to conduct all status conferences, final prehearing conferences, and any and all other similar proceedings remotely, including telephonically, until such time that these procedures are amended or state restrictions regarding the virus are lifted. **Members of the public who appear at OAH’s offices**

**shall continue to be directed to call in for their scheduled proceeding instead.** No visitors, including parties to matters pending before OAH, will be permitted entry into OAH's offices.

**4. Formal Hearings and Other Proceedings:** Formal hearings, temporary relief hearings, and other similar proceedings will be conducted remotely through June 30, 2020. If a party believes an in-person hearing should be conducted after June 30, 2020, that matter should be discussed at the time of scheduling with the Hearing Officer and counsel, and if necessary, the Executive Director. To protect all participants, remote proceedings are preferred until such time that these procedures are amended or state restrictions regarding the virus are lifted. The Hearing Officer shall have the discretion to convert any already scheduled in-person proceedings to remote proceedings in the event that the state of emergency declared by the Governor associated with the virus is still in effect at the time the proceeding is to be held. In the event of that contingency, the Hearing Officer will discuss the propriety of converting the in-person proceeding to a remote proceeding prior to, but no later than, the scheduled final prehearing conference. The parties should be prepared to address remote proceedings, including but not limited to, remote party and witness accessibility and prehearing exhibit submission. The parties should also be prepared to schedule a remote conference prior to any remote proceeding in order to familiarize all participants with the remote application. OAH anticipates that any remote proceedings will be conducted either telephonically or using the GoToMeeting application.

**5. Petitions for Temporary Relief/Emergency Petitions:** Petitions for temporary relief and emergency petitions will continue to be scheduled immediately for an initial telephonic conference with the parties in accordance with controlling regulations. An OAH staff person will contact the parties by telephone and/or email to set up the initial conference. The Hearing Officer will work with the parties to determine if there is a time limit, whether it is waived, and establish a remote hearing date. Once a hearing date is determined, OAH will issue a summons and hearing documents to be served by U.S. Mail.

**6. Mediations:** Until such time that these procedures are amended or state restrictions regarding the virus are lifted, the parties and the Mediator will confer to determine if it is feasible to conduct mediation proceedings remotely. If it is not feasible to do so, the Mediator will reschedule the mediation. The Mediator will send scheduling orders as are appropriate or protocols for the conduct of remote, including telephonic, mediation conferences.

**7. Penalty Assessment Conferences ("PAC") Proceedings:** All PAC proceedings will be held remotely, including telephonically. PAC scheduling orders will be served by electronic mail, unless OAH has no email address for a party. In that event, PAC scheduling orders will be served by U.S. Mail. PAC conference officer reports as well as PAC final orders will both be served by U.S. Mail.

8. **Open Records Requests:** Open records requests should be addressed to Ms. Lisa Booth at [LisaM.Booth@ky.gov](mailto:LisaM.Booth@ky.gov). Responses to the same will be made pursuant to the Kentucky Open Records Act.

9. **OAH Webpage:** Information pertaining to cases pending before OAH, including PAC proceedings and daily dockets, may be accessed by viewing OAH's webpage found at: <https://eec.ky.gov/About/Administrative-Hearings/Pages/default.aspx>. Please click on the link Case/PAC Search/Electronic Filing to obtain the links to the daily docket, case dockets, and email filing for pleadings.

10. **OAH Staffing and Contact Information:** To satisfy social distancing requirements, OAH has a reduced staff carrying out essential functions of the office. As a result, please use the following email address and telephone numbers to contact staff or ask questions:

Email Inquiries: [EECOAHFILINGS@KY.GOV](mailto:EECOAHFILINGS@KY.GOV)

Telephone Inquiries: (502) 564-7312

Facsimile: (502) 564-4973

If a staff member is not available to immediately answer your telephone inquiry, please leave a contact number and your telephone call will be returned as soon as practicable.

11. **Hearing Officer Conference Lines:** Conference line numbers for all Hearing Officers and for PAC conferences are attached to this Notice. These numbers are included in all orders issued by assigned Hearing Officers.

So ORDERED this 1st day of June, 2020

*Lesly Davis*

---

Lesly Davis, Executive Director

# CONFERENCE CALL INFORMATION DIALOGUE

Call in # is 1-866-830-9434

1. At the agreed upon meeting date and time, the Moderator/Leader and Participants dial in.
2. All participants including the Moderator/Leader enter the Access Code followed by the # sign.
3. The Moderator/Leader is then prompted to press \* (star) to identify themselves.
4. Only the Moderator/Leader enters the Leader PIN followed by the # (pound) sign.

**Hearing Officers:**

**Access Number:**

Lesly A. R. Davis

349 5786#

Virginia Baker Gorley

986 6848#

Stuart Cobb

657 1487#

Kevin Welch

931 2209#

PAC Number-Diana Lowe

981 2454#