

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF	)	
JURISDICTIONAL STATUS OF EAST KENTUCKY	)	CASE NO.
MIDSTREAM, LLC, AND OF ITS COMPLIANCE	)	2022-00238
WITH KRS CHAPTER 278, 807 KAR CHAPTER	)	
005, AND 49 CFR PARTS 191 AND 192	)	

ORDER

On August 11, 2022, the Commission opened an investigation into the jurisdictional status of East Kentucky Midstream, LLC (East Kentucky Midstream) and whether East Kentucky Midstream is subject to the Commission’s jurisdiction under KRS 278.040 or under KRS 278.495. On August 12, 2022, the Commission expanded the scope of the investigation to determine whether East Kentucky Midstream is subject to Commission jurisdiction under other statutes, including whether East Kentucky Midstream is a common carrier under KRS 278.470. Additionally, the Commission made Kentucky Frontier Gas, LLC (Kentucky Frontier) a party to this proceeding, and put East Kentucky Midstream on notice that terminating service to Kentucky Frontier would violate KRS 278.022(2) and subject East Kentucky Midstream to the penalties set forth in KRS 278.990(1), should the Commission determine that East Kentucky Midstream was operating as a utility at the time this proceeding was opened.


To facilitate this investigation, the Commission finds that it is necessary for East Kentucky Midstream’s natural gas pipeline system to remain materially the same throughout the investigation. In order to evaluate whether the pipeline system is operated

or configured as a gathering system, or a transportation system, and whether East Kentucky Midstream is operating as a public utility as defined in KRS 278.010(3), it is necessary for the operation and the configuration of the system to remain materially the same as it was at the time this investigation was initiated. As the Commission's investigation into this matter continues, the Commission puts East Kentucky Midstream on notice that any material alteration made without the Commission's knowledge to any existing connection to East Kentucky Midstream's system, including but not limited to, the service connections and meter sets for Highland Elementary School at 649 US 23 South in Staffordsville, Kentucky and a business known as Discount Auto Brokers in the vicinity of the school could be considered a willful violation of a Commission Order and subject East Kentucky Midstream to the penalties set forth in KRS 278.990, if the Commission finds that East Kentucky Midstream is operating as a utility.


IT IS THEREFORE ORDERED that:

1. East Kentucky Midstream shall not materially alter the operation or configuration of its natural gas pipeline system without first informing the Commission of its intent in writing and providing the exact location and the element of the system to be altered.
2. East Kentucky Midstream shall document the existing operation and configuration of any connection to or element of its system by use of photographs, schematic drawings, or any other useful means before any existing connection or system element is materially altered.
3. Nothing contained in this Order shall prevent the Commission from entering further Orders in this matter.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ENTERED  
AUG 16 2023 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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