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Kent A. Chandler
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July 28, 2023

PARTIES OF RECORD

Re: Case No. CASE NO. 2022-00238

Notice is given to all parties that the attached document has been filed into the record of this proceeding.

If you have any comments you would like to make regarding the contents of the document, please do so within five days of receipt of this letter. If you have any questions, please contact Nancy Vinsel, at Nancy.Vinsel@ky.gov.

Sincerely,

A handwritten signature in blue ink that reads "Linda C. Bridwell".

Linda C. Bridwell, PE
Executive Director

Attachment: Document

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

VIDEO DEPOSITION OF JOHN WHITE

On the 22nd day of June, 2023,
beginning at approximately 11:56 a.m., at the
Carter County Courthouse, 100 West Main Street,
Grayson, Kentucky, before me, Jo Ann Betler,
Registered Diplomate Reporter and Notary Public,
appeared JOHN WHITE, Witness, who being by me
first duly sworn, gave his oral deposition in
the causes pursuant to notice of counsel and for
the respective parties as hereinafter set forth.

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APPEARANCES

ON THE BEHALF OF THE PUBLIC SERVICE COMMISSION:

JESSICA NORRIS CANFIELD, ESQ.

Office of the Attorney General

Office of Rate

700 Capitol Avenue, Suite 20

Frankfort, Kentucky 40601-8204

TINA C. FREDERICK, ESQ.

Office of the Attorney General

Office of Rate

700 Capitol Avenue, Suite 20

Frankfort, Kentucky 40601-8204

ALSO PRESENT:

MIKE NANCE

CHRIS BAILEY

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APPEARANCES

ON THE BEHALF OF EAST KENTUCKY MIDSTREAM:

KATHRYN A. ECKERT, ESQ.

McBrayer PLLC

201 East Main Street, Suite 900

Lexington, Kentucky 40507

JASON R. BENTLEY, ESQ.

McBrayer PLLC

201 East Main Street, Suite 900

Lexington, Kentucky 40507

ON THE BEHALF OF KENTUCKY FRONTIER:

L. ALLYSON HONAKER, ESQ.

Honaker Law Office, PLLC

1795 Alysheba Way, Suite 6202

Lexington, Kentucky 40509

ALSO PRESENT:

DEBORAH GREATHOUSE, Video Specialist

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EXHIBITS

(No exhibits were entered into the record.)

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VIDEO INTRODUCTION

VIDEO SPECIALIST: We are now on the record.

This is the videotaped deposition of John White. We're beginning at 11:56 a.m., Thursday, the 22nd day of June, 2023, at the Carter County Courthouse in Grayson, Kentucky.

The court reporter is Jo Ann Betler. I'm the videographer, Deborah Greathouse.

Counsel, please identify yourselves for the record, plaintiff's counsel first, and then the court reporter may swear the witness.

MS. CANFIELD: Jessica Norris Canfield, Public Service Commission.

MS. FREDERICK: Tina Carson Frederick, Public Service Commission.

MS. HONAKER: Allyson Honaker, Kentucky Frontier.

MS. ECKERT: Kathryn Eckert, East Kentucky Midstream.

MR. BENTLEY: Jason Bentley, East Kentucky Midstream.

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PROCEEDINGS

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EXAMINATION

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BY MS. CANFIELD:

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Q. Mr. White, can you tell me your position with Kentucky Frontier?

13

A. I'm a gas tech.

14

15

Q. Okay. And what does that position entail?

16

17

18

19

A. I take care of sales points and large volume meters, all the meters. I take care of just about everything except for I don't do a lot of construction in the field anymore.

20

21

Q. Okay. How long have you been working with Kentucky Frontier?

22

A. I think it's been about 14 years.

23

24

Q. Okay. Are you familiar with East Kentucky Midstream?

25

A. Yes.

1 Q. Are you familiar with their
2 relationship with Kentucky Frontier?

3 A. Yes.

4 Q. Could you tell me anything you know
5 about East Kentucky Midstream's A-3 line from
6 Royalton to Louisa?

7 A. It used to be an oil line. So now
8 it's a gas line. And, you know, they have
9 multiple farm taps on it all throughout.

10 I read the matters also, so -- I
11 pretty much was the one that installed all of
12 the radios on all of the meters for our company
13 after we took over the farm taps they gave us.
14 So I've been to all of them so -- and, you know.

15 Q. So Kentucky Frontier has farm tap
16 customers on line A-3 as well?

17 A. I'm assuming that -- that's that
18 line from Royalton to Louisa, yes.

19 Q. Okay.

20 A. Because it goes down through Denver
21 and then, I guess it goes through like
22 Paintsville or -- you know, down through that
23 way, around 645, then into Louisa. So, yeah.

24 Q. Okay. And down through that area,
25 is the J line as well.

1 Correct?

2 A. Yes. Yes. I know exactly where
3 the J line starts and where the J line ends.

4 Now, as far as I know, I don't know
5 of anything really being tapped off of the J
6 line for sure. You know, just like I said, I
7 only know what I'm dealing with when I get
8 there, you know. So I've never really seen -- I
9 don't know. I don't work for their company so
10 -- I mean, I see a lot, but I just don't know
11 for sure.

12 Q. You said that you're familiar with
13 sales points. Is there a sales point that comes
14 off of the J line?

15 A. There is as far as I know. We
16 actually take gas where the J line starts.

17 Q. Okay.

18 A. We have a place where we purchase
19 gas, where the J line starts. And then there's
20 a place where the J line actually sells gas to,
21 I guess, TC Energy. So those -- the A-3 line
22 and the J line are running together in a certain
23 section.

24 Q. Okay.

25 A. So and where that -- we purchase

1 the gas is right, I mean, where the J line
2 starts.

3 Q. Okay.

4 A. So they're right together. I mean,
5 we're talking inches at that point.

6 Q. And you purchase gas from?

7 A. EKM.

8 Q. Okay. At that point?

9 A. Yes.

10 Q. Okay. Are you familiar with any
11 gathering that's occurring on those lines?

12 A. Yeah. Yeah. There is on the A-3
13 line.

14 Q. Okay.

15 A. So if you're going from Royalton to
16 Louisa, there is -- I'm not sure if it's
17 Cumberland Valley. It used to be. It might be
18 Primrose now. It is a gas company that switched
19 hands. I believe Slone Energy owns it now. Or
20 Chris Slone.

21 That is actually in the -- off of
22 114. It's called Trojan Powder Road is how you
23 get to the site where they actually sell into
24 Jefferson there. And then --

25 Q. They sell into Jefferson? You mean

1 sell into EKM?

2 A. Yes. Sorry.

3 Q. Just wanted to clarify that.

4 So you're referencing what is owned
5 by other individuals that sell into EKM?

6 A. It's a gathering system for the
7 Primrose, Cumberland Valley, and then it dumps
8 into the EKM.

9 Q. So the wells that are being
10 gathered off of are not owned by EKM, they're
11 owned by Primrose?

12 A. Yes. Yes. This is just one -- and
13 they compress it in there, so I think. They do
14 have a compressor there.

15 Q. Okay. Are you aware of any systems
16 that extend beyond Louisa, beyond that --

17 A. The only thing that I know of past
18 Louisa would be on your way to Fallsburg. We
19 have three customers out there. It's probably
20 about 5 miles.

21 Q. Okay. And so those three customers
22 are served by Frontier meters?

23 A. Yes.

24 Q. Are they farm tap customers?

25 A. Yes.

1 Q. And do you own the pipeline?

2 A. No.

3 Q. You just own the meter?

4 A. Just own the meter.

5 Q. Thank you.

6 Can you tell me anything you know
7 about line A-2 that runs from Royalton to Hazel
8 Green?

9 A. You know, there are multiple sites
10 there that -- I know there's one that Tackett
11 and Sons, they sell to it. There's another
12 company that sells to that line in Cannel City,
13 it's kindly a little bit squirrely because they
14 actually sell gas back into the same company or
15 it puts gas back into the same company in that
16 Cannel City system to actually furnish gas for
17 the customers. So it's -- it's a little bit
18 weird because a lot of their stuff is -- they
19 can pull gas out during the summer, but for the
20 customer base of our farm taps and also their
21 farm taps, they don't have the gas with local
22 production to actually be able to supply them
23 during the wintertime. So Cannel City is
24 actually one of those places they have to do
25 that. They don't have enough gas supply so

1 they're having to pull from wherever, you know,
2 like they're purchasing, I guess, from Means and
3 pull that gas back into that particular line.
4 So they're having to do it everywhere, you know.

5 Q. Okay.

6 A. And there's -- I mean there's
7 probably, I'd say, 30 -- just Cannel City, I
8 would say there's probably 30 customers. And
9 then you've got stuff that goes into the
10 outskirts of, you know, like Buskirk and Nickel
11 Branch. It's just -- there's customers all
12 along everywhere that they've got stuff.

13 Q. And these customers, are they all
14 off of the main line?

15 A. So the way they usually do it, like
16 there are certain sections that would have a
17 tap. So there's, say, a tap and then a valve
18 and a medium pressure regulator, and then it
19 would run to multiple different customers. So
20 it's not always just a tap and then a medium
21 pressure regulator and then just going to one
22 customer. Although they do that also. But it's
23 running multiple people too. It's multiple
24 different meters. And you don't really know it
25 until you actually are called for a problem.

1 Like if there's a freeze off or if there's, you
2 know, anything that's gone wrong or whatever, if
3 they're having problems with their gas, you're
4 trying to make sure, you know, that regulators
5 and things aren't freezing off, things like
6 that. You really find out more about it usually
7 during the wintertime or when there's something
8 happens, you know. We don't really know where
9 the taps are for these particular customers
10 because they're -- they're never -- I mean,
11 they're hundreds of feet away from the customer,
12 and like -- let's just say they've got a gas
13 line running along the creek and they have got a
14 tap there and they've got a valve and a medium
15 pressure regulator, well, that medium pressure
16 regulator would run 150 foot, 200 foot to the
17 house, and we don't know where it's at. So if
18 there's a busted line, we're trying to either
19 dig a bell hole and squeeze it off, do whatever
20 we have to do to get the gas shut off, but their
21 guys, a lot of them, they can just go out there
22 and shut the valves off and we don't even know
23 they're there. We don't know exactly where that
24 stuff's tapped at. And it -- I mean, all of
25 their meters -- I mean, very rarely, every

1 single one of their meters are always set at the
2 house.

3 MS. FREDERICK: When you're talking
4 about their meters, who is they?

5 THE WITNESS: Well, EKM -- EKM's
6 meters that are farm taps for us that we've
7 taken over. All of their meters are at their
8 house. So that's not where their line is. You
9 know, their line is -- it could be a hundred
10 foot away, 200 foot away, 500 foot away. I
11 mean, I've seen them 2,000 foot away. I mean,
12 you know, you see these lines and they're just
13 -- you don't know where exactly they're going.
14 You just see the taps.

15 You know, like I've got a certain
16 section, like, where the guys were -- they're
17 complaining to me about having to fix lines
18 because they're getting busted because they're
19 doing construction in this certain area. It's
20 called Buckhannon Fork, okay?

21 Well, it runs -- I think we have
22 four customers. At one time there was probably
23 about six. But there's about 2,000 foot of line
24 that comes off the side of the hill, and that's
25 where the tap is. But, it's like, the guys

1 don't actually know that. They're just having
2 to go out there and deal with the issue at the
3 time to try to fix those things, you know.

4 BY MS. CANFIELD:

5 Q. And who is the owner of that line?

6 A. It's not us. We don't -- we only
7 own meters. In every farm tap situation that we
8 are in, we only own meters. So the way that
9 everything works for us is -- is the customer
10 purchases everything except for that meter.

11 That's regulator, risers. If they want drips,
12 they do everything. And we just own the meter.

13 Now, we can work on those things and
14 take care of those things, but we charge for
15 those things. But the only thing that's really
16 ours is that meter.

17 So if there's something wrong and
18 there's nothing going through that meter and
19 that meter's locked up, well, that's on us. We
20 take care of that meter. But if it's a
21 regulator, it's a customer's regulator.

22 Q. The line that you're talking about
23 that the tap comes off of, in that scenario,
24 that line is owned by?

25 A. That line is owned by EKM.

1 MR. BENTLEY: Objection. That's
2 conclusion.

3 BY MS. CANFIELD:

4 Q. The line that comes off of that, is
5 that on the inlet or outlet side of the meter?

6 A. That is on the inlet side of the
7 meter.

8 Q. And that's the one that's being
9 damaged?

10 A. Yes.

11 Q. And this is all at Buckhorn.
12 Correct?

13 A. Buckhannon, yeah.

14 Q. Buckhannon, sorry. Thank you.

15 A. I mean, that was just one
16 particular situation. It's always that way.
17 It's always the inlet. It's not the customer
18 side. It's the inlet to the riser, you know.

19 Like they will call us, it's their
20 gas blowing. You know, it's like we don't own
21 the lines. We don't own --

22 Q. Who calls?

23 A. Well, like Jack Banks or somebody
24 from EKM or, you know, in the past it's been
25 Jefferson. They'll say, you know -- they will

1 call us and say, We've got a line blowing out
2 here. We'll call Jack Banks, because he's the
3 main guy and we'll say whatever. And he's like,
4 Well, you need to go out there and squeeze it
5 off or get it fixed or whatever. It's just like
6 this is not -- this is not our responsibility,
7 you know, but we're having to take care of these
8 things because in our line of work, I mean we're
9 always trying to make things safe, you know,
10 because we're going to get there. You know, if
11 there's something blowing, we're going to get
12 there and we're going to try to make things
13 safe. But it's never any of our stuff because
14 we only own the meter.

15 Q. Okay. So --

16 A. And you know what? I don't really
17 know how exactly that works out, especially if
18 it's like a medium pressure regulator and
19 they've got five different customers off of one
20 tap with that medium pressure regulator. Who
21 actually falls responsible for that? You know
22 what I'm saying? I mean, we eventually end up
23 having to try to fix it just to keep the
24 customers in gas, but you know what I mean?
25 It's kind of ridiculous, really.

1 We don't have any -- very rarely do
2 we have the kind of issues with that much line.
3 Nobody just -- it's just they say it's yours.
4 Every farm tap we have got are only just meters.

5 Q. And the agreement that you're aware
6 of between -- that involve Frontier --

7 A. Um-hum.

8 Q. -- you do not own any line
9 regarding these farm taps, you only own the
10 meter.

11 Correct?

12 A. Only own the meter.

13 Q. So let's move on to the KZ line.

14 A. Um-hum.

15 Q. Could you just talk to me about
16 what you know about the KZ line and the
17 difference in the KZ East and versus the KZ
18 West?

19 A. Okay. As far as I know, you know,
20 I went -- because when they were -- when EKM
21 first took it over, I went with Jack Banks and
22 Darrell Parks to investigate and look at things
23 that we were possibly going to be leasing and
24 taking care of. And as far as I know, like, the
25 KZ West is just customers. And they have a

1 meter that serves those customers for that
2 KZ West line. The KZ East line is the line that
3 is actually feeding Frenchburg, feeding West
4 Liberty, and then feeding the state prison. And
5 then it's also coming down to the C line to
6 where they're pulling it and then they're
7 compressing it to wherever they have to do it or
8 however they're doing everything. So it's --
9 the main purchase line of gas where they're
10 pulling off of TC Energy to try to supply their
11 customers on that particular line. And there's
12 farm taps on both all along the way.

13 Q. Okay. Do you know where the KZ
14 West line terminates in Clark County?

15 A. I've never been there.

16 Q. So you were discussing the Means,
17 the purchase point from TC Energy. Is the sole
18 purpose of that purchase point to purchase
19 energy from TC Energy?

20 A. Yes. Yeah. I mean, that's all
21 it's there -- I mean, just to supply gas.

22 Q. To supply gas to Frenchburg, you're
23 saying?

24 A. It supplies gas to Frenchburg and
25 West Liberty and the state prison and, I mean,

1 probably us also.

2 Q. And when they're purchasing this
3 gas, they resell it to Kentucky Frontier?

4 A. Yes.

5 Q. Okay. Are you aware if they're
6 reselling it to Delta at Frenchburg?

7 A. Yeah. Yeah, that's -- I don't
8 think they -- I think it's a pass-through for
9 some reason. It's kind of weird, but I think
10 Delta actually has -- I think the way it was
11 explained was it was just a pass-through, and
12 that that gas was actually purchased off of TC.

13 Q. And who explained that?

14 A. I'm pretty sure Darrell and Jack
15 did.

16 Q. Darrell Parks and Jack Banks?

17 A. Yes.

18 Q. And this is when you were serving
19 the KZ line.

20 Correct?

21 A. Yes.

22 Q. Are you aware of any lines from
23 that instance that come off the KZ line that
24 their primary function appears to be
25 distribution other than the Frenchburg/Delta

1 connection?

2 A. I'm not really sure of anything,
3 you know, right off, because that was a whole
4 new area and it's probably been about two and a
5 half years ago when I actually was looking at
6 those particular lines because I really have no
7 business in those areas. You know, I don't
8 really go to West Liberty or anything. So as
9 far as I know them -- the KZ line is really
10 there for Frenchburg and then West Liberty and
11 the prison. And then, you know, right there at
12 the prison there's an actual place where -- I
13 think it's a Monte Hayes line. Actually at one
14 time, I think it was shut off at that point.
15 But it's an 8-inch line that actually puts into
16 that KZ line. So it was, I believe, a purchase
17 meter for EKM or Jefferson to purchase off of --
18 I think it was Monte Hayes. It was a line that
19 went down through Elliott County.

20 MS. CANFIELD: No further
21 questions.

22 MR. BENTLEY: Take a break for a
23 second.

24 VIDEO SPECIALIST: Okay. We are
25 off the record at 12:19 p.m.

1 (A recess was taken, after which the
2 proceedings were resumed as follows.)

3 VIDEO SPECIALIST: Okay.

4 We are back on the record at 12:26
5 p.m.

6
7 * * *

8 EXAMINATION

9 BY MS. ECKERT:

10 Q. Kathryn Eckert for East Kentucky
11 Midstream.

12 You testified earlier that the EKM
13 customers were all -- the farm tap customers
14 were all off of the main line?

15 A. As far as I know. The taps are off
16 -- off of the main line, yes.

17 Q. And so that's just your personal
18 experience.

19 Is that correct?

20 A. Yeah.

21 Q. So you can't -- you're not
22 testifying that that's true the entirety of the
23 system.

24 Is that correct?

25 A. The entirety of --

1 Q. The EKM system.

2 A. Yeah, they're probably -- the KZ
3 East and the KZ West, they're more of a
4 traditional type of farm taps. Most of them
5 that I've seen are really just, you know,
6 they're tapped right off the main. The meter's
7 right there, the regulator's all right there.
8 It's more of like -- you're seeing more of like
9 off of the A-1 or the A-3 lines or the -- some
10 of the C, but not a lot. There are some,
11 though, that are tapped and then run to the
12 house, and then the meter's at the house.
13 But then there are some on the C line where the
14 actual meter is actually tapped right there and
15 the regulator and everything is straight off the
16 main.

17 MS. ECKERT: Thank you. That's the
18 clarification I was looking for.

19 Anything further?

20 MS. HONAKER: I don't have any
21 redirect.

22 VIDEO SPECIALIST: Okay. If there
23 are no objections, we are off the record at
24 12:28 p.m.

25 * * *

1 CERTIFICATION OF COURT REPORTER AND NOTARY
2 PUBLIC

3
4 I, Jo Ann Betler, Registered
5 Diplomate Reporter and Notary Public within and
6 for the Commonwealth of Kentucky, duly
7 commissioned and qualified, do hereby certify
8 that the foregoing deposition was duly taken by
9 me and before me at the time and place and for
10 the purpose specified in the caption hereof, the
11 said witness having been by me first duly sworn.
12

13 I do further specify that the said
14 deposition was correctly taken by me in
15 Stenotype and that the same was reduced to
16 computer print by me or under my direct
17 supervision.
18

19 I further certify that I am neither
20 attorney or counsel for, nor related to or
21 employed by, any of the parties to the action in
22 which this deposition is taken, and further that
23 I am not a relative or employee of any attorney
24 or counsel employed by the parties hereto, or
25 financially interested in the action.

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Before completion of the deposition,
review of the transcript [] was [X] was not
requested. If requested, any changes made by
the deponent (and provided to the reporter)
during the period allowed are appended hereto.

Given under my hand this 24th day of
June, 2023.

My Commission expires January 8,
2025.

Jo Ann Betler

Commission No.: KYNP21279

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