

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF HAY)	
EXPLORATION, INC. FOR INITIAL RULES,)	CASE NO.
REGULATIONS, AND RATES FOR FURNISHING)	2023-00152
GAS SERVICE PURSUANT TO KRS 278.485)	

ORDER

On April 19, 2023, Hay Exploration, Inc. (Hay Exploration) filed, through the Commission’s electronic Tariff Filing System, its tariff to establish initial rates, rules, and regulations pursuant to KRS 278.485 and 807 KAR 5:026, which govern gathering systems that provide service to retail customers who tap onto farm tap systems. On May 15, 2023, the tariff filing was suspended pursuant to KRS 278.190(2) for five months pending an investigation to determine the reasonableness of the proposed tariff and a procedural schedule was established which set forth filing deadlines for requests for information to Hay Exploration and for Hay Exploration's verified responses to the specified requests.¹

On May 31, 2023, the Commission Staff issued its First Request for Information (Staff’s First Request) to Hay Exploration, which required Hay Exploration to file responses to Staff’s First Request along with verification of the witness testimony to such responses with the Commission no later than June 16, 2023. Hay Exploration filed its response to Staff’s First Request on June 16, 2023, but failed to file the required

¹ Order (Ky. PSC May 15, 2023).

verification by the established deadline. Instead, the verification of the witness testimony to the response to Staff's First Request was filed on July 19, 2023.

Pursuant to the procedural schedule established in the Commission's May 15, 2023 Order, Commission Staff issued its Second Request for Information (Staff's Second Request) to Hay Exploration on June 28, 2023, with responses due no later than July 14, 2023. On August 9, 2023, Hay Exploration filed its response to Staff's Second Request along with verification of the witness testimony to the responses. Also on August 9, 2023, Hay Exploration filed a motion for an extension of time to respond to Staff's Second Request (motion). As a basis for the motion, Hay Exploration stated that it has limited employees and all of those with the ability to respond to these inquiries work in the field, which has impacted Hay Exploration's ability to gather information. Hay Exploration stated in its motion that it respectfully requests that the Commission permit the filing of its responses to Staff's Second Request as of the date of the motion. Hay Exploration did not provide justification for why the motion was not filed in a timely manner. There are no intervenors in this proceeding.

The Commission, having considered Hay Exploration's motion, finds that the motion should be granted on the grounds that the information presented in Hay Exploration's response to Staff's Second Request is necessary in order to complete the record in the proceeding. Hay Exploration provided good cause in its motion to request an extension for time but failed to provide an explanation for why the motion was filed nearly a month after the responses were due to be filed with the Commission. The Commission puts Hay Exploration on notice that any future failure of Hay Exploration to comply with an Order of the Commission may subject the company, its officers, and


employees to assessment of a civil penalty under KRS 278.990(1). The Commission further puts Hay Exploration on notice that any motion for the extension of a deadline set forth in a Commission order should be filed before the deadline or as soon as the need for an extension becomes known. Due to previous delays in this case caused by Hay Exploration, the Commission may not approve any future request for an extension of time unless Hay Exploration agrees to forego putting its proposed rates into effect until the Commission issues a final Order in this proceeding.

The Commission further finds that the procedural schedule in this case should be amended. The amended procedural schedule is attached as an Appendix to this Order.


IT IS THEREFORE ORDERED that:

1. Hay Exploration's motion for an extension of time is granted.
2. The previous procedural schedule entered on May 15, 2023, is amended as set forth in the Appendix in this Order and shall be followed.
3. The Commission does not look favorably upon motions for continuance. Accordingly, future motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.
4. All other provisions of the Commission's May 15, 2023 Order remain in full force and effect.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
AUG 31 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00152 DATED AUG 31 2023

Additional supplemental requests for information to Hay Exploration
shall be filed no later than 09/15/2023

Hay Exploration shall file responses to additional supplemental
requests for information no later than.....09/29/2023

Hay Exploration shall request either a
hearing or that the case be submitted for decision
based on the record no later than.....10/06/2023

*Angela Horger
Frost, Brown, Todd, LLC
250 West Main Street
Suite 2800
Lexington, KENTUCKY 40507

*Hay Exploration, Inc.
1544 Winchester Avenue, Suite 1108
Ashland, KY 41101

*J. Fetters
Frost, Brown, Todd, LLC
250 West Main Street
Suite 2800
Lexington, KENTUCKY 40507

*Medrith L Norman
Frost, Brown, Todd, LLC
250 West Main Street
Suite 2800
Lexington, KENTUCKY 40507