

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

The Commission, on its own motion, finds that a formal conference should be scheduled to gather information pertaining to East Kentucky Midstream, LLC's (East Kentucky Midstream) system, in general; East Kentucky Midstream's farm tap customers; and any recent or planned changes to East Kentucky Midstream's system that impacts any customers. A formal conference in this matter shall be held on Friday, October 14, 2022, at 10 a.m. Eastern Daylight Time in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.

Based upon the sworn responses of East Kentucky Midstream member Jack Justice and the unsworn responses of East Kentucky Midstream representative Jack Banks to the initial requests for information and the case record, the Commission concludes that a formal conference is necessary to gather information relevant to this proceeding, which was initiated to investigate the jurisdictional status of East Kentucky Midstream. Because there are additional parties to this proceeding, the Commission further concludes that the procedural schedule established on September 7, 2022, will

not be amended at this time but the Commission reserves the option to amend the procedural schedule if necessary or if requested by the parties.

Pursuant to KRS Chapter 278, the Commission has the authority to hold hearings, while the statutes do not require any particular form hearings must take.<sup>1</sup> Although the Commission ordinarily holds formal hearings for the purpose of receiving evidence that reflect a strict adherence to process, a formal conference is a form of a hearing that is less constraining, with the hopes of gleaning information through a collaborative process. Unlike a formal hearing, the purpose of which is to take evidence in the form of witness cross examination based upon issues raised and evidence in the case record, a formal conference gathers information from sworn witnesses and from the parties' counsel through a process more akin to conversation. Similar to an informal conference, a formal conference may be held for the clarification of issues or any matter that aids in the processing of the case. The Commissioners preside at a formal conference; the Commissioners, Commission Staff, and parties' counsel may ask questions of the parties' representatives or counsel. All proceedings in a formal conference are recorded and entered into the case record. In accordance with KRS 278.310, the conduct of a formal conference is not bound by the technical rules of legal evidence.

Based upon the foregoing, the Commission finds that East Kentucky Midstream representatives Jack Justice and Jack Banks, and Kentucky Frontier Gas, LLC (Kentucky Frontier) representative Mike Harris shall attend and participate in the October 14, 2022 formal conference.

The formal conference will be recorded electronically, but will not be live streamed.

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<sup>1</sup> See KRS 278.080, KRS 278.260, and KRS 278.310.

IT IS THEREFORE ORDERED that:

1. A formal conference in this matter shall be held on Friday, October 14, 2022 at 10 a.m. Eastern Daylight Time in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.
2. East Kentucky Midstream shall make Jack Justice and Jack Banks available to participate at the October 14, 2022 formal conference.
3. Kentucky Frontier shall make Mike Harris available to participate at the October 14, 2022 formal conference.
4. The formal conference shall be recorded in electronic format, but shall not be lived streamed.

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PUBLIC SERVICE COMMISSION

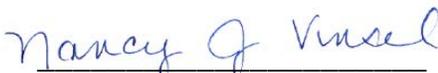
  
Chairman

\_\_\_\_\_  
Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director *for*

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