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Mary Pat Regan
Commissioner

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 JACK BANKS

On the 22nd day of June, 2023,
beginning at approximately 10:02 a.m., at the
Carter County Courthouse, 100 East Main Street,
Grayson, Kentucky, before me, Jo Ann Betler,
Registered Diplomat Reporter and Notary Public,
appeared JACK BANKS, 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 Jack Banks. We are beginning at 10:02 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 in the witness.

MS. CANFIELD: Jessica Norris Canfield with the Public Service Commission.

MS. FREDERICK: Tina Carson Frederick with the Public Service Commission.

MS. ECKERT: Kathryn Eckert for East Kentucky Midstream.

MR. BENTLEY: Jason Bentley for East Kentucky Midstream.

Allyson -- do you want me to grab her? Is she going to sit in on this?

1 MS. FREDERICK: It's 10:00 o'clock.
2 If she is here.

3 MS. CANFIELD: She has a right to.

4 MS. FREDERICK: She can forego, but
5 she has a right to.

6 MR. BENTLEY: I think they want you
7 to introduce yourself for the record.

8 MS. HONAKER: I'm Allyson Honaker,
9 Honaker Law Office here with Kentucky Frontier.

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PROCEEDINGS

JACK BANKS was thereupon called as a witness and, after having been first duly sworn, testified as follows:

* * *

EXAMINATION

BY MS. CANFIELD:

Q. Mr. Banks, could you state your position with East Kentucky Midstream?

A. They do not give titles, so it would just be a -- the field manager.

Q. Okay. And what does that position entail?

A. I -- they tell me what needs to be done and I direct it out to the different guys.

Q. Okay. And how many people do you supervise?

A. Three.

Q. Three?

A. Yeah.

Q. What are their names?

A. Darrell Parks, Justin Holland, and

1 Daniel Sparks.

2 Q. In previous discussions it was
3 stated that East Kentucky Midstream does not own
4 any natural gas producing wells; is that
5 correct?

6 A. That's correct.

7 Q. Okay. What about oil wells?

8 A. East Kentucky Midstream does not
9 own oil wells.

10 Q. Okay. What about any abandoned or
11 nonproducing wells?

12 A. Not that I'm aware of.

13 Q. Okay. And so where does the gas
14 come from that supports East Kentucky Midstream
15 customers?

16 A. From different producers in eastern
17 Kentucky.

18 Q. Okay. And how many producers do
19 you typically work with?

20 A. 20, 25, I guess, 30. I would have
21 to go back and count them up.

22 Q. Okay. And so that -- the gas is
23 purchased from those producers?

24 A. Correct.

25 Q. So when the gas enters your system,

1 it is owned by East Kentucky Midstream?

2 A. Correct.

3 Q. Okay. So where is the purchase
4 point for that gas when it comes off of -- from
5 a producer?

6 A. There's a meter next to EKM's
7 gathering line.

8 Q. Okay. And with regard to volume
9 received or gathered from those producers, would
10 you have a rough estimate regarding that?

11 A. Per day?

12 Q. Um-hum.

13 A. 7- to 800 Mcfs. It's going down.

14 Q. It's going down?

15 A. Yeah.

16 Q. What is the cause of that?

17 A. Well, price of gas.

18 Q. Okay. So the gas that you're
19 purchasing from producers, is that enough gas to
20 support your customers throughout the year?

21 A. No.

22 Q. Where else do you purchase gas from
23 to support your customers?

24 A. It's TCO, I guess, or it's -- they
25 changed names, so it's another name now, I

1 think.

2 Q. Is that TC Energy?

3 A. TC Energy, that's correct.

4 Q. And about what volume of gas do you
5 typically purchase from TC Energy in a day?

6 A. It depends on weather. I averaged
7 during the four or five months winter, 1,200 to
8 1,500 dekatherm.

9 Q. At any point are you delivering gas
10 to market for anyone?

11 A. No.

12 Q. So all of the gas running on the
13 system is purchased by East Kentucky Midstream;
14 correct?

15 A. Correct.

16 Q. And then provided for resale?

17 A. Correct.

18 Q. During the conference that we held,
19 house customers were referenced. Could you tell
20 me the meaning of the term "house customer"?

21 A. The meaning --

22 Q. Um-hum.

23 A. -- of house customer? It's
24 customers purchasing gas from EKM, I guess, or
25 whoever.

1 Q. Okay. Does that have anything to
2 do with the location of the meter?

3 A. No.

4 Q. With regard to if it's a farm tap
5 or not?

6 A. Well, yeah. If it's a farm tap,
7 it's supposed to be their main line.

8 Q. And if it's a house customer, does
9 that change the location of the meter?

10 A. Not that I'm aware of, no.

11 Q. Are you familiar with the incident
12 of underground facilities damage that occurred
13 at Mine Fork Road in Salyersville in Magoffin
14 County?

15 A. No.

16 Q. Okay. At that point a Kentucky
17 Frontier Gas main line was broken by a bulldozer
18 and it was stated that East Kentucky Midstream
19 was working on a road to reach oil wells.

20 So you're not familiar with that
21 incident?

22 A. That's -- that wasn't East Kentucky
23 Midstream. I've heard about that, but that was
24 Eagle Well Service. We had nothing to do with
25 that.

1 Q. Who is Eagle Well Services?

2 A. They are -- the person that owns
3 Eagle Well is part owner of this company.

4 Q. What is his name?

5 A. Russell Parsons.

6 Q. Are you aware of producers that you
7 purchased gas from on the A-1 line?

8 A. Yeah.

9 Q. About how many people are you
10 purchasing gas from? How many producers do you
11 have on that line?

12 A. A-1?

13 Q. Um-hum.

14 A. I think it was just one producer.

15 Q. Just one.

16 What about A-2?

17 A. Oh, now. Between 5 and 10. I
18 would have to count them all up.

19 Q. That's fine.

20 What about A-3, are there producers
21 on that line?

22 A. Yes.

23 Q. Rough estimate?

24 A. Probably be about the same. 5 to
25 10 or something. Might be a little more on that

1 one.

2 Q. Okay. What about the J line? Do
3 you have producers on the J line?

4 A. Yes. One. But that's part of
5 Johnson County.

6 Q. Okay. And what about the C line?
7 Are there any producers on the C line?

8 A. Yes. Right at the beginning.

9 Q. About how many?

10 A. That's physically connected to the

11 --

12 Q. The C line.

13 A. One.

14 Q. Okay. And what about the KZ line?
15 We can break that up between KZ East?

16 A. There's no producers on the KZ
17 line.

18 Q. On KZ East or KZ West?

19 A. Except us. EKM goes into the KZ
20 line.

21 Q. Okay. Right. The other A-1, A-2,
22 all of those. Okay.

23 And so the gas that is on the KZ
24 East and KZ West lines, where does the majority
25 of that gas come from?

1 A. Summertime comes from EKM.
2 Wintertime, the majority would probably come
3 from TC Energy.

4 Q. And that KZ line, who all does that
5 KZ line service?

6 A. Who what?

7 Q. Who does that KZ line service? Who
8 are you selling gas off the KZ line?

9 A. Frontier Gas. West Liberty. And
10 all of the house customers, farm tap customers
11 and house customers. Whoever needs it. It all
12 commingles.

13 Q. And then is Delta also receiving
14 gas off of that line?

15 A. Correct.

16 Q. Okay. And what is the relationship
17 with EKM and Delta?

18 A. There is no relationship.

19 Q. Do you just sell gas to Delta?

20 A. We don't sell gas to Delta.
21 Whenever -- not EKM, but when Jefferson
22 purchased the -- that line, the KZ line, that
23 was part of the deal. I wasn't involved in it.
24 We don't get nothing for that.

25 Q. Are you transporting gas for Delta?

1 A. No. Columbia -- that's TC
2 Energy's.

3 Q. So TC Energy is transporting gas to
4 Delta?

5 A. Yeah, I'd say. I don't know
6 nothing about that.

7 Q. Who would know about that?

8 A. Nobody at EKM. It would have to be
9 somebody with TC Energy.

10 Q. Okay. So are they utilizing EKM
11 line in any manner to get gas from TC Energy to
12 Delta?

13 A. Yes, they are.

14 Q. What section of the line are they
15 using to do that?

16 A. They're using five miles of the
17 west end.

18 Q. Of KZ?

19 A. Of KZ East, yes.

20 Q. And just to clarify, TC Energy nor
21 Delta are paying EKM any kind of transmission
22 fee?

23 A. Not that I'm aware of.

24 Q. Okay. And you're not aware of any
25 agreement regarding how that line is utilized to

1 transmit that gas?

2 A. I know there's agreement, but I'm
3 not aware of it.

4 Q. You know there's an agreement, but
5 you're not aware of it; is that what you said?

6 A. Yeah.

7 Q. So TC Energy -- I just want to
8 clarify. TC Energy is using five miles of the
9 KZ line that is owned by East Kentucky Midstream
10 to transmit gas to Delta, but you're not sure
11 what that agreement is or how the line is being
12 used or when it's being used?

13 A. No. I -- I am not sure how it
14 works.

15 Q. Okay.

16 A. I mean, that's for higher up than
17 me.

18 Q. Okay. And who is higher up than
19 you?

20 A. That would be the owners.

21 Q. And the owners are?

22 A. Jack Justice and Russell Parsons.

23 MR. BENTLEY: Can we stop for a
24 second? I might object to that, the way that
25 was phrased.

1 Can you read back the way she
2 characterized the -- was it Delta taking gas
3 from TC Energy, is that the way that last
4 question was phrased?

5 (Record read.)

6 MR. BENTLEY: TC Energy using? I
7 think it's -- it's our gas that's sold to -- off
8 that system.

9 THE WITNESS: Our gas in the
10 summertime.

11 MR. BENTLEY: Okay.

12 THE WITNESS: It the wintertime,
13 you know, there's a regulator down there. It
14 just kicks in and out whenever they have to have
15 it.

16 MR. BENTLEY: Okay. We'll let it
17 go.

18 BY MS. CANFIELD:

19 Q. With regard to the East Kentucky
20 Midstream system, what would you say the central
21 point of your system is?

22 A. Hazel Green.

23 Q. Hazel Green.

24 And what is the typical operating
25 pressure of the East Kentucky Midstream system?

1 A. Every line's different, so I mean

2 --

3 Q. Okay. Tell me about the A-1 line.

4 A. I think it's 35 in the winter, 15
5 in the summer. Now, what we changed it to,
6 yeah.

7 Q. Okay. That's what you changed it
8 to; is that what you said?

9 A. Yeah. We change it regularly.

10 Q. What about the A-2 line?

11 A. It ranges from 5 pounds to 40.

12 Q. A-3?

13 A. Probably 40 down to 20, I'd say.

14 Q. The J line?

15 A. The J line, that's a compressor, so
16 that goes from probably 2 pounds up to 40. You
17 know, it can go up and down.

18 Q. Right. And then the C line?

19 A. Summertime, 65. Wintertime, 100 to
20 105.

21 Q. And then the KZ line?

22 A. KZ East -- part of the KZ East is
23 60 pounds and then part of it is 45.

24 Q. And is that all year-round?

25 A. No. 60 pounds goes up and down.

1 It'll go from 60 to 105 or 110. You know, it's
2 in that range. And 45 going to West Liberty all
3 the time.

4 Q. All the time?

5 A. (No verbal response; affirmative
6 nod.)

7 Q. Are you familiar with the purchase
8 contract from Jefferson Gas to East Kentucky
9 Midstream, and what was included in that
10 contract for purchase?

11 A. I've looked at some of those, but
12 I'm not real familiar, no.

13 Q. Since the acquisition of Jefferson
14 Gas by East Kentucky Midstream have any
15 additional assets been purchased onto the
16 system?

17 A. Not that I'm aware of right now.
18 It's the same thing.

19 Q. Can you tell me about the function
20 of line A-3 from Royalton to Louisa?

21 A. It gathers gas and brings it --
22 brings it down to almost Royalton and drops it
23 off into the J line in the summertime.
24 Wintertime it brings it all the way back to
25 Hazel Green.

1 Q. And where does it bring it from?

2 A. All the producers. The ten
3 producers or whatever they are up there.

4 Q. Okay. Are there lines that you're
5 aware of coming off of A-3?

6 A. To -- to other producers or
7 something like that you're saying or what now?

8 The J line is actually hooked up to
9 A-3, but it -- that's the only line that's
10 hooked on to that.

11 Q. Okay. Can you tell me the function
12 of line A-2 from Royalton to Hazel Green?

13 A. It brings gas from producers to
14 Hazel Green.

15 Q. Okay. Are there any lines coming
16 off of A-2?

17 A. At this time I don't know of any.
18 Which, you know, all of the producers is hooked
19 up on it, but that line's coming off. It's got
20 check valves. You can't put gas back into it.

21 Q. Okay. What about line A-1 from
22 Hazel Green to Campton? What is that --

23 A. They are lines coming off of that
24 one. And they are -- they are lines coming off
25 of it and then feeding house customers.

1 Q. Okay. And beyond Campton, are
2 there any lines?

3 A. Just house customer lines.

4 Q. Okay. Can you tell me about the
5 function of line C from Hazel Green to KZ?

6 A. That gathers gas from A-2, A-3, and
7 A-1 and also the frozen field and pushes it into
8 the KZ line.

9 Q. What is the frozen field?

10 A. That's Troublesome Creek Gas, that
11 Breathitt County production that you asked about
12 there a while ago.

13 Q. And is Troublesome Creek part of
14 the East Kentucky Midstream system?

15 A. No. No, that's a completely
16 different company.

17 Q. Okay. What is the difference
18 between KZ East and KZ West in terms of
19 functionality?

20 A. KZ West has just got house
21 customers only on it. It's just got 17 pounds
22 on it.

23 Q. Okay. What about KZ East?

24 A. We just went over that. I mean,
25 you asked me that. I told you the pressures on

1 it.

2 Q. Okay. So KZ East's only function
3 is --

4 A. Well, no, it's two functions. It's
5 one function now. It used to be two functions.
6 It does let gas go to Delta in the summertime.

7 Q. Okay.

8 A. Then in the wintertime it lets gas
9 come from TC Energy back up to our system.

10 Q. You said that it used to have two
11 functions and now it only has one. What was the
12 other function you're referencing?

13 A. We used to sell gas to TC Energy at
14 Jeffersonville, but we don't no more.

15 Q. Are there any other sales points
16 where you're selling gas to another energy
17 company or market?

18 A. On the old Jefferson system?

19 Q. On the current East Kentucky
20 Midstream system.

21 A. See Frontier house customers, West
22 Liberty -- that's all I know of.

23 Q. So is that a no?

24 A. That's a no.

25 MS. CANFIELD: Okay. I think

1 that's all of the questions.

2 MR. BENTLEY: Want to take a minute
3 and talk?

4 MS. ECKERT: Can we go off for a
5 minute?

6 VIDEO SPECIALIST: One moment,
7 please.

8 Okay. We are off the record at
9 10:28 a.m.

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

12 VIDEO SPECIALIST: Okay. We are
13 back on the record at 10:35 a.m.

14 MS. ECKERT: Kathryn Eckert, on
15 behalf of East Kentucky Midstream, we have no
16 questions.

17 VIDEO SPECIALIST: Okay. If there
18 are no objections, we're off the record at 10:35
19 a.m.

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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.: KYNP21

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