

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 March 25, 2024, to further facilitate this investigation, the Commission hired Sander Resources, LLC (Sander) as a consultant to conduct a field assessment of East Kentucky Midstream, LLC's (East Kentucky Midstream) natural gas pipeline system and to file a comprehensive report into the record relating to pipeline jurisdiction as prescribed by 49 CFR 192 and KRS 278.010(3).

Additionally, the Commission ordered East Kentucky Midstream and Kentucky Frontier Gas, LLC (Kentucky Frontier) to make all necessary personnel available, and all documents requested by Sander available during the assessment. The final report from the consultant was filed into the record on July 16, 2024. East Kentucky Midstream and Kentucky Frontier both filed a response on July 22, 2024.

On August 20, 2024, East Kentucky Midstream filed a request for information to Sander pursuant to KRS 278.110(2)(b), which requires persons contracted by the Commission to respond to any written information request regarding the final report or recommendation. As it relates to this investigation, Sander does qualify as a contractor pursuant to KRS 278.110(2)(b).

Having considered the request for information, the Commission finds that Sander should respond to the request for information as written in Request No. 1, Request No. 2, Request No. 3, Request No. 4, and Request No. 6 as the requested information relates directly to the final report previously compiled and filed into the record by Sander. The requests for information referenced above meets the criteria of KRS 278,110(2)(b), unless Sander has an objection afforded by law.

The Commission further finds that Sander should not respond to Request No. 5, Request No. 7, Request No. 8, and Request No. 9 as the requests seek information outside of the parameters of KRS 278,110(2)(b). As a result of these requests falling outside of the parameters of KRS 278,110(2)(b), whether other exemptions or privileges are applicable to some, or all, of the requests will not be address herein.

In order to facilitate that response, the Commission notes that Sander is not a party to this administrative action, rather a contractor engaged by the Commission. As such, the Commission finds that the Sander shall remit responses to the requests identified above, which are sworn to by the representative or employee of Sander responsible for the response and attested to by a notary. The responses should be sent to the Commission in PDF format and bookmarked appropriately. The Executive Director will thereafter ensure that the responses will be filed into the record on or before the date set out in this Order.

The Commission, on its own motion, grants an extension to the deadline for responses requested by EKM and as a result, will amend the procedural schedule set out in the Order issued on August 8, 2024. Sander should respond to the requests for information by September 13, 2024, to be filed of record on or before September 18,

2024. The Commission also finds that the deadline for requesting a hearing, or the matter be submitted on the record shall be extended from September 13, 2024, until September 30, 2024.

IT IS THEREFORE ORDERED THAT:

1. Sander shall provide responses to the requests for information Nos. 1, 2, 3, 4, and 6.
2. Sander shall not provide responses to requests for information Nos. 5, 7, 8, and 9.
3. Sander shall have until September 13, 2024, to respond to the requests for information requested by East Kentucky Midstream using the process outlined in this Order.
4. The procedural schedule issued as an Appendix to the August 8, 2024 Order shall be amended to reflect that the deadline to request a hearing or that the matter be decided on the record shall be extended from September 13, 2024, to September 30, 2024.

PUBLIC SERVICE COMMISSION

Chairman



Vice Chairman

Commissioner



ATTEST:



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