

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE	)	CASE NO.
RATES AND SERVICES OF EAST KENTUCKY	)	2026-00121
MIDSTREAM, LLC	)	

ORDER

On August 21, 2026, Kentucky Frontier Gas, LLC (Kentucky Frontier) filed a motion requesting to intervene in this proceeding.¹ As a basis for its motion, Kentucky Frontier stated that East Kentucky Midstream, LLC's (East Kentucky Midstream) rates and services being investigated in this case will directly impact Kentucky Frontier and its customers, as approximately one-third of Kentucky Frontier customers and its gas supply are supplied by East Kentucky Midstream.² Kentucky Frontier stated that it was not served with the Order and therefore, did not have notice of this proceeding nor could it file for intervention within the three day timeframe.³ Kentucky Frontier stated its special interest principally resides in its status as a customer of East Kentucky Midstream.⁴ Kentucky Frontier argued that its intervention is likely to present issues or develop facts that will assist the Commission in fully considering vital case issues and would not unduly complicate proceedings.⁵

¹ Kentucky Frontier's Motion to Intervene (Motion) (filed August 21, 2026).

² Motion at unnumbered page 2.

³ Motion at unnumbered page 2-3.

⁴ Motion at unnumbered page 3.

⁵ Motion at unnumbered page 3.

On August 28, 2026, East Kentucky Midstream filed a response to Kentucky Frontier's motion.⁶ East Kentucky Midstream argued that Kentucky Frontier failed to file its motion prior to the date established in the procedural schedule or to show good cause for being untimely, and therefore, the motion should be denied.⁷ East Kentucky Midstream further argued that Kentucky Frontier has not met the standard for being granted intervention.⁸ East Kentucky Midstream pointed out that the untimeliness of the motion, and the fact that Kentucky Frontier did not request intervention to participate in the court review of the Case No. 2022-00238⁹ Orders, support a conclusion that it will be of no assistance.¹⁰ East Kentucky Midstream argued Kentucky Frontier's participation would be unduly complicating or disrupting to the proceedings.¹¹ East Kentucky Midstream also argued that as it is not proposing to alter its contract with Kentucky Frontier the assertion of a special interest is hypothetical and insufficient to justify intervention.¹²

LEGAL STANDARD

The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), has the statutory right to intervene in

⁶ Response of East Kentucky Midstream to Kentucky Frontier's Motion to Intervene (Response) (filed Aug. 28, 2026).

⁷ Response at 2.

⁸ Response at 2.

⁹ Case No. 2022-00238, *Electronic Investigation of Jurisdictional Status of East Kentucky Midstream, LLC, and of Its Compliance With KRS Chapter 278, 807 KAR Chapter 005, and 49 CFR Parts 191 and 192*.

¹⁰ Response at 3.

¹¹ Response at 3.

¹² Response at 3.

Commission cases pursuant to KRS 367.150(8)(b). With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.¹³

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that Kentucky Frontier's motion should be denied as it was untimely filed, nearly a month after the intervention deadline. In addition, Kentucky Frontier did not provide good cause for the delay. While Kentucky Frontier argued that it was not served the Order, there was no obligation to serve Kentucky Frontier as it is not a party to this case. Rather, the opening Order in this case provided that Kentucky Frontier and the Kentucky Office of the Attorney General be served with this Order as a courtesy to each of those entities.¹⁴ Furthermore, in the Commission's April 8, 2026 rehearing Order in Case No. 2022-00238, in which the Commission investigated the jurisdictional status of East Kentucky Midstream and in which Kentucky Frontier was a party, the Commission stated that "[t]o reach a determination regarding any outstanding issues, the Commission will proactively open an investigation into the rates and services

¹³ KRS 164.2807.

¹⁴ Order (Ky. PSC July 14, 2026) at 4.

of East Kentucky Midstream following the issuance of this rehearing Order.”¹⁵ Therefore, Kentucky Frontier had ample notice regarding this proceeding.

Finally, as a result of Kentucky Frontier’s delayed request it would unduly complicate proceedings to allow Kentucky Frontier to intervene at this stage as the last day for supplemental data requests was September 4, 2026.

Kentucky Frontier will have an opportunity to participate in this proceeding even though it has not been granted intervenor status. Kentucky Frontier can review all public documents filed in this case and monitor the proceedings via the Commission’s website [View Case Filings for: 2026-00121](#). In addition, Kentucky Frontier may file comments as frequently as it chooses, and those comments will be entered into the record of this case.

IT IS THEREFORE ORDERED that Kentucky Frontier’s motion to intervene is denied.

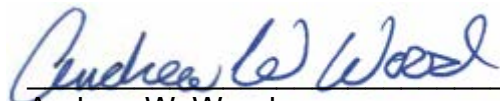
¹⁵ Case No. 2022-00238, Apr. 8, 2026 Order at 6–7.

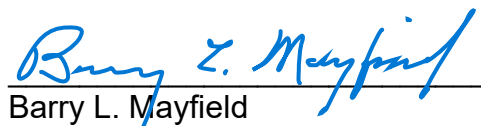
Entered on this 29th day of September, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:



Justin McNeil
Executive Director

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