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Case Management System - KY Public Service Commission*Regular Cases Before the Commission as of April 17, 2024***2022-00238**

RECEIVED: 08/11/22

FILED: 08/11/22

FINAL:

REOPENED:

SUSPENSION DATE:

CASE NATURE: East Kentucky Midstream, LLC

CASE CODE

Investigation - Service

HEARINGS:

02/23/23 Informal Conference
 02/22/23 Informal Conference
 10/14/22 Formal Conference

INDEX OF EVENTS:

03/25/24 Order Entered: 1. East Kentucky Midstream shall make all necessary personnel available in person and all documents requested by Sanders available during the Sanders assessment. 2. Kentucky Frontier shall make all necessary personnel available in person and all documents requested by Sanders available during the Sanders' assessment. 3. The Commission's Division of Inspection (DOI) shall provide one member of staff to be present during the duration of the field assessment. Kory Kiser will be the DOI representative, will coordinate the field assessment and any exchange of documents necessary to complete the comprehensive report. Mr. Kiser may be reached at kory.kiser@ky.gov or (502) 791- 0237. 4. Sanders shall conduct a field assessment of East Kentucky Midstream's natural gas pipeline system. 5. Sanders shall make the field assessment schedule available to the DOI representative, prior to April 1. 6. The field assessment in this matter shall begin on April 1, 2024, during weekdays designated by Sanders, during working hours, and ending by May 1, 2024. 7. The consultants shall provide a comprehensive report, including the details of the field assessment, as it relates to pipeline jurisdiction as prescribed by 49 CFR 192 and KRS 278.010(3), along with final mapping and GIS data of the system with locations, components and the type, status, and function of pipeline segments.

08/16/23 Order Entered: 1. East Kentucky Midstream shall not materially alter the operation or configuration of its natural gas pipeline system without first informing the Commission of its intent in writing and providing the exact location and the element of the system to be altered. 2. East Kentucky Midstream shall document the existing operation and configuration of any connection to or element of its system by use of photographs, schematic drawings, or any other useful means before any existing connection or system element is materially altered. 3. Nothing contained in this Order shall prevent the Commission from entering further Orders in this matter.

08/15/23 Order Entered: 1. East Kentucky Midstream's motion for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for indefinite period or until further Order of this Commission. 3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. East Kentucky Midstream shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

08/11/23 Kathryn A. Eckert East Kentucky Midstream, LLC Notice of filing for affidavit

08/10/23 Kathryn A. Eckert East Kentucky Midstream, LLC EKM Response to Post Deposition Request for Information

08/10/23 Kathryn A. Eckert East Kentucky Midstream, LLC Motion for confidential treatment to accompany its response to Staff post deposition request for information

07/28/23 Notice of Filing Depositions

07/14/23 COMMISSION STAFF'S POST-DEPOSITION REQUEST FOR INFORMATION TO EAST KENTUCKY MIDSTREAM, LLC

06/07/23 PSC Subpoena - Mike Harris

06/07/23 PSC Subpoena - John White

06/07/23 PSC Subpoena - Jack Banks

06/07/23 PSC Subpoena - Darrell Banks

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05/31/23	Kentucky Frontier Gas, LLC Response to Commission Subpoena Duces Tecum
05/17/23	PSC Subpoena - Kentucky Frontier Gas, LLC co Allyson Honaker
05/17/23	PSC Subpoena - Jefferson Gas, LLC c/o Mark Enderle
04/24/23	L. Allyson Honaker Kentucky Frontier Gas, LLC Comment to PSC Letter Filing Document in Record
04/19/23	PSC Letter Filing Document into the Record
04/07/23	L. Allyson Honaker Kentucky Frontier Gas, LLC Response to public comment
04/04/23	Kentucky Oil & Gas Association Public Comments
02/24/23	Letter Filing IC Memo into the Record
02/17/23	Order Entered: 1. The motion to continue the IC is granted. 2. The IC in this matter is scheduled on February 23, 2023, at 10 a.m. Eastern Standard Time, in person, at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
02/14/23	Kathryn A. Eckert East Kentucky Midstream, LLC Motion to reschedule the 2/22/23 informal conference
02/14/23	COMMISSION STAFF'S NOTICE OF INFORMAL CONFERENCE
02/09/23	L. Allyson Honaker Kentucky Frontier Gas, LLC Reply Brief of Kentucky Frontier Gas, LLC
02/09/23	Jason R. Bentley East Kentucky Midstream, LLC Brief responding to initial brief of Kentucky Frontier, and cover letter
02/09/23	Kathryn A. Eckert East Kentucky Midstream, LLC corrected response to PH PSC 05, and cover letter
02/09/23	J. Michael West Office of the Kentucky Attorney General Reply Brief of OAG
01/20/23	Jason R. Bentley East Kentucky Midstream, LLC East Kentucky Midstream brief in support of its post-formal conference position
01/20/23	L. Allyson Honaker Kentucky Frontier Gas, LLC Brief of Kentucky Frontier Gas, LLC
12/20/22	Order Entered: 1. Kentucky Frontier's motion, filed on November 30, 2022, requesting a formal hearing is denied. 2. East Kentucky Midstream's motion, filed on December 1, 2022, requesting that this matter be decided based upon the written record is granted. 3. Kentucky Frontier's motion, filed on December 6, 2022, requesting a briefing schedule in this matter is granted. 4. Each party may file a memorandum brief in support of their respective post-formal conference position on or before January 20, 2023. 5. Each party may file a response brief addressing only issues raised in other parties' initial briefs on or before February 9, 2023.
12/06/22	L. Allyson Honaker Kentucky Frontier Gas, LLC Request to Establish Briefing Schedule if Hearing Not Held
12/01/22	Jason R. Bentley East Kentucky Midstream, LLC EKM Request for Matter to be Submitted on Written Record
11/30/22	L. Allyson Honaker Kentucky Frontier Gas, LLC Request for Formal Hearing
11/30/22	Order Entered: 1. East Kentucky Midstream's motion for confidential treatment is granted. 2. Kentucky Frontier's motion for confidential treatment is granted. 3. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission. 4. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 5. East Kentucky Midstream shall inform the Commission if the designated material granted confidential treatment by paragraph 1 of this Order becomes publicly available or no longer qualifies for confidential treatment.
11/28/22	Kathryn A. Eckert East Kentucky Midstream, LLC Jack Justice testimony on behalf of EKM
11/28/22	Kathryn A. Eckert East Kentucky Midstream, LLC Second Supplement to Response to Staff 1st Set of Data Requests
11/16/22	Kathryn A. Eckert East Kentucky Midstream, LLC East Kentucky Midstream Motion for Confidential Treatment related to information filed with its Response to Staffs Post-Formal Conference Request for Information
11/16/22	Kathryn A. Eckert East Kentucky Midstream, LLC East Kentucky Midstream Response to Staff post formal conference data requests
11/16/22	L. Allyson Honaker Kentucky Frontier Gas, LLC Responses to data requests
10/26/22	L. Allyson Honaker Kentucky Frontier Gas, LLC Direct Testimony of Steven Shute
10/19/22	Kathryn A. Eckert East Kentucky Midstream, LLC First Supplement to Response to Kentucky Frontier Initial Data Requests for item 01
10/19/22	Kathryn A. Eckert East Kentucky Midstream, LLC First Supplement to Response to Attorney General Initial Data Requests for items 09 and 10

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10/19/22 Kathryn A. Eckert East Kentucky Midstream, LLC First Supplement to Response to Staff 1st Set of Data Requests for item 09

10/19/22 Kathryn A. Eckert East Kentucky Midstream, LLC East Kentucky Midstream Response to Staff supplemental data requests

10/18/22 COMMISSION STAFF'S POST-FORMAL CONFERENCE REQUEST FOR INFORMATION TO EAST KENTUCKY MIDSTREAM, LLC

10/18/22 COMMISSION STAFF'S POST-FORMAL CONFERENCE REQUEST FOR INFORMATION TO KENTUCKY FRONTIER GAS, LLC

10/12/22 Order Entered: 1. East Kentucky Midstream's motion for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission. 3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. East Kentucky Midstream shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment. 5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, East Kentucky Midstream shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878.

10/10/22 COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO EAST KENTUCKY MIDSTREAM, LLC

10/04/22 Order Entered: 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.

09/26/22 Kathryn A. Eckert East Kentucky Midstream, LLC EKM Motion for Confidential Treatment related to certain information in the response to first set of data requests

09/26/22 Kathryn A. Eckert East Kentucky Midstream, LLC East Kentucky Midstream Response to KY Frontier Initial Data Requests

09/26/22 Kathryn A. Eckert East Kentucky Midstream, LLC East Kentucky Midstream LLC Response to Attorney General Initial Data Requests

09/26/22 Kathryn A. Eckert East Kentucky Midstream, LLC EKM Response to Staffs initial data requests

09/12/22 L. Allyson Honaker Kentucky Frontier Gas, LLC Initial Data Requests to East Kentucky Midstream, LLC

09/09/22 J. Michael West Office of the Attorney General First Set of Data Requests

09/08/22 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO EAST KENTUCKY MIDSTREAM, LLC

09/07/22 Order Entered: 1. The procedural schedule set forth in the Appendix to this Order shall be followed. 2. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

08/22/22 Order Entered: 1. The Attorney General's motion to intervene is granted. 2. The Attorney General is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. The Attorney General shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents. 4. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, the Attorney General shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

08/17/22 Kathryn A. Eckert East Kentucky Midstream, LLC Entry of Appearance of Counsel and Consent to Electronic Service in Compliance with 8/11/2022 Order

08/12/22 Order Entered: 1. The August 11, 2022 Order is amended to expand the scope of investigation of this proceeding to include whether East Kentucky Midstream is subject to the Commission's jurisdiction under any provision of KRS Chapter 278. 2. Kentucky Frontier is made a party to this proceeding. 3.

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A copy of this Order shall be served upon Kentucky Frontier and its counsel at the service addresses provided in Case No. 2022-00224. 4. The Commission puts East Kentucky Midstream on notice that if it is determined to be a utility, then it would be subject to penalties for violations of KRS Chapter 278, including but not limited to violations of KRS 278.022(2).

08/12/22

08/11/22

J. Michael West Kentucky Attorney General Kentucky Attorney Generals Motion to Intervene Order Entered: 1. This proceeding is opened to investigate the jurisdictional status of East Kentucky Midstream and its compliance with KRS Chapter 278, 807 KAR Chapter 005, and 49 C.F.R. Parts 191 and 192. 2. East Kentucky Midstream is made a party to this proceeding. 3. The record in Case No. 2022-00224¹⁶ shall be incorporated by reference into this matter. 4. Any interested party may, by counsel, file a motion to intervene within 14 days of the date of service of this Order. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, East Kentucky Midstream shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served. 6. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding. 7. Pursuant to 807 KAR 5:011, Section 8(9), within seven days of service of this Order, East Kentucky Midstream shall file by electronic means a written statement that it waives any right to service of Commission orders by United States mail and that it or its authorized agents possess the facilities to receive electronic submissions.

Total Number of Cases: 1