

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	CASE NO.
FRONTIER GAS, LLC FOR A DECLARATORY)	2025-00042
ORDER ON FREE GAS)	

ORDER

This matter arises from Kentucky Frontier Gas, LLC's (Kentucky Frontier) request for a Declaratory Order pursuant to 807 KAR 5:001, Section 19, "that Kentucky Frontier does not have to honor contracts for free gas that were entered into by the prior owners of B.T.U. Gas Company, Inc. ("BTU or BTU Gas") and/or the prior owners of BTU, with certain landowners in the service territory."¹ On November 3, 2025, the Commission issued a procedural schedule that allowed any person to file a motion to intervene on or before December 12, 2025.² Ricki Carty and Chrystal Shawn Risner; Kathy Howard; Ryan Allen; Linda Sue Brown Allen; and Coty Brown and Lindsey Brown (collectively, Movants) filed five separate motions to intervene in this matter (Motions to Intervene). Kentucky Frontier has responded to each such motion and Movants each filed a reply either jointly or separately in support of each motion. Finally, Kentucky Frontier filed a sur response to the Movants' replies to Kentucky Frontier's response. Movants' Motions to Intervene are now before the Commission for a decision on the merits.

¹ Application at 1.

² Order (Ky. PSC Nov. 3, 2025).

BACKGROUND

In their December 10, 2025 motion to intervene, Coty Brown and Lindsey Brown argued that if the Commission grants Kentucky Frontier's request to terminate their free gas service, the gas line will remain on their property but they will not receive the compensation agreed upon in the right of way easement and explained that the agreed to compensation for the pipeline was free gas service.³ Coty Brown and Lindsey Brown explained the easement was executed by Coty Brown's grandparents, Ervin Allen, Jr. and Ethel Allen and attached a copy of the deed and a copy of the BTU Gas Company right of way easement agreement as exhibits to their motion for intervention.⁴

In her December 10, 2025 motion to intervene, Linda Sue Brown Allen stated that she is entitled to free gas from Kentucky Frontier, as the pipeline at issue traverses her property and she is entitled to compensation due to a right of way easement agreement executed by her parents, granting free gas use for residential dwellings on the property that she currently inhabits.⁵ Linda Sue Brown Allen explained that if the Commission grants Kentucky Frontier's request to terminate her free gas service, the gas line will remain on her property but she will not receive the compensation agreed upon in the right of way easement. In support of her motion, Linda Sue Brown Allen attached a copy of the deed and a copy of BTU Gas Company's right of way easement agreement.⁶

³ Coty Brown and Lindsey Brown's Motion to Intervene (filed Dec. 10, 2025) at 1.

⁴ Coty Brown and Lindsey Brown's Motion to Intervene, Exhibit A and Exhibit B.

⁵ Linda Sue Brown Allen's Motion to Intervene (filed Dec. 10, 2025) at 1.

⁶ Linda Sue Brown Allen's Motion to Intervene, Exhibit A and Exhibit B.

In his December 10, 2025 motion to intervene, Ryan Allen stated that the pipeline at issue traverses his property and that his mother Kathy Howard was granted free gas use for the residential dwelling due to an easement on the property which he now inhabits.⁷ Ryan Allen explained that that if the Commission grants Kentucky Frontier's request to terminate free gas service, the gas line will remain on his property but he will not receive the compensation agreed upon in the right of way easement.⁸ In support of his motion, Ryan Allen attached a copy of the right of way easement agreement executed by his mother, Kathy Howard.⁹

In her December 10, 2025 motion to intervene, Kathy Howard stated that the pipeline at issue traverses her property and is subject to an unrecorded right of way easement agreement executed by her mother, Pauline Howard with BTU Gas Company which she argues entitles her to free gas use for the residential dwellings on the property which she now inhabits.¹⁰ In support of her motion, a copy of the deed to Kathy Howard was attached as an exhibit.¹¹

In their December 11, 2025 motion to intervene, Ricki Carty and Chrystal Shawn Risner stated the pipeline at issue traverses their property and is subject to an executed right of way agreement with BTU Gas Company which they argue entitles them to free gas use for the residential dwellings on the property which they now inhabit.¹² Ricki Carty

⁷ Ryan Allen's Motion to Intervene (filed Dec. 10, 2025) at 1.

⁸ Ryan Allen's Motion to Intervene at 1.

⁹ Ryan Allen's Motion to Intervene, Exhibit A.

¹⁰ Kathy Howard's Motion to Intervene (filed Dec. 10, 2025) at 1.

¹¹ Kathy Howard's Motion to Intervene, Exhibit A.

¹² Ricki Carty and Chrystal Shawn Risner's Motion to Intervene (filed Dec. 11, 2025) at 1

and Chrystal Shawn Risner explained that if the Commission grants Kentucky Frontier's request to terminate free gas service, the gas line will remain on their property but they will not receive the compensation agreed upon in the right of way easement.¹³ Ricki Carty and Chrystal Shawn Risner attached a copy of the BTU Gas Company right of way easement agreement and related deeds.¹⁴

Kentucky Frontier filed a response to the Movants' requests for intervention addressing individually the specific arguments and exhibits provided by each movant.¹⁵ Collectively, Kentucky Frontier argued that the Movants' Motions to Intervene should be denied for failing to meet the criteria required by 807 KAR 5:001(11)(b) as the Movants failed to show that they have a special interest that is not otherwise adequately represented or that they are likely to present issues or develop facts that will assist the Commission.¹⁶ Accordingly, Kentucky Frontier requests that the Commission deny the Movants' Motions to Intervene.¹⁷ Kentucky Frontier explained that the movants' statements that the proceeding will have an impact of modifying their rates has been deemed insufficient to establish a special interest.¹⁸

¹³ Ricki Carty and Chrystal Shawn Risner's Motion to Intervene at 1.

¹⁴ Ricki Carty and Chrystal Shawn Risner's Motion to Intervene, Exhibit A and Exhibit B.

¹⁵ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen (filed Dec. 16, 2025).

¹⁶ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 1-2.

¹⁷ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 2.

¹⁸ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 2.

Additionally, Kentucky Frontier stated that the Movants fail to show that they will present issues or develop facts that will assist the Commission without unduly complicating or disrupting the proceeding.¹⁹ Kentucky Frontier explained that the Movants do not allege any expertise, any specific issue or component of this specific case that they will address, or facts they intend to develop, and the Commission has regularly denied intervention when a movant's proffered interest is "too remote to justify intervention."²⁰ Kentucky Frontier argued that the proper way for the Movants to participate in this case is through filing written public comments or offering verbal comment at public hearings and any alleged promise to provide free gas would be at odds with the Commission's authority to govern Kentucky Frontier's rates and services.²¹ Finally, Kentucky Frontier argued that the movants' failure to satisfy the procedural requirements for intervention by failing to include an electronic email address, as required by 807 KAR 5:001, Section 4(11)(a)1, suggests indifference or lack of attention that could again lead to unduly complicating or disrupting the proceedings.²²

Regarding Ricki Carty and Crystal Shawn Risner's request for intervention, Kentucky Frontier argued that they lack a special interest warranting intervention in this proceeding because the right of way easement agreement attached to the motion for intervention stated that the easement was granted in consideration of \$100 and does not

¹⁹ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 7.

²⁰ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 7

²¹ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 7-8.

²² Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 8.

state that anyone is entitled to free gas.²³ Kentucky Frontier explained that Ricki Carty and Crystal Shawn Risner have not made allegations of fraud or mistake regarding the easement agreement, therefore any oral evidence cannot change or modify the easement agreement and they have failed to present any evidence, let alone clear and convincing evidence that there was any agreement for free gas.²⁴

Kentucky Frontier argued that Kathy Howard does not have a special interest warranting intervention because the easement that she claims entitles her to free gas is unrecorded.²⁵ Kentucky Frontier argued that Ms. Howard's claim is barred by the Kentucky Statute of Frauds, stating that any contract for the sale of real estate must be in writing and signed by the party to be charged, therefore her claim to free gas is an unsubstantiated assertion.²⁶

Kentucky Frontier argued that Coty Brown and Lindsey Brown have no special interest warranting intervention in this proceeding because the deed of conveyance is not in the same chain of title as the easement agreement.²⁷ Therefore, Kentucky Frontier argued that Coty Brown and Lindsey Brown have presented no evidence that the easement they attached to their motion encumbers their property, thereby failing to satisfy

²³ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 2-3.

²⁴ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 3.

²⁵ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 4.

²⁶ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 4.

²⁷ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 4.

their burden of proof that they are entitled to free gas from Kentucky Frontier and failed to establish a special interest in the proceeding.²⁸

On December 23, 2025, Crystal Shawn Risner and Ricki Carty filed a reply in support of their motion to intervene and attached a BTU Gas Company, Inc. Right of Way Easement Agreement covering their property.²⁹ Additionally, on December 23, 2025, Coty and Lindsey Brown filed a reply in support of their motion to intervene and stated that they are in the chain of title, and their property is a portion of the same property described in the easement agreement.³⁰

On December 29, 2025, Kentucky Frontier filed a sur response to Ricki Carty and Crystal Shawn Risner and Coty Brown and Lindsey Brown.³¹ Kentucky Frontier in response to Ricki Carty and Crystal Shawn Risner's reply argued that the new document entitled "Right of Way Easement Agreement" is not a BTU easement agreement because it is dated July 9, 2015, which is after July 13, 2012, the date that Kentucky Frontier purchased the assets of BTU on through bankruptcy and after BTU was dissolved and no longer operational.³² Kentucky Frontier argued that the new document provided in Ricki

²⁸ Kentucky Frontier's Response to Requests for Intervention by Ricki Carty, Crystal Shawn Risner, Kathy Howard, Coty Brown, Lindsey Brown, Ryan Allen, and Linda Sue Brown Allen at 4-5.

²⁹ Crystal Shawn Risner and Ricki Carty's Reply to Kentucky Frontier's Response to Request for Intervention (filed Dec. 23, 2025).

³⁰ Coty and Lindsey Brown's Reply to Kentucky Frontier's Response to Request for Intervention (filed Dec. 23, 2025).

³¹ Kentucky Frontier's Sur Response to Intervention by Ricki Carty, Crystal Shawn Risner, Coty Brown and Lindsey Brown (filed Dec. 29, 2025).

³² Kentucky Frontier's Sur Response to Intervention by Ricki Carty, Crystal Shawn Risner, Coty Brown and Lindsey Brown at 3.

Carty and Crystal Shawn Risner's response does not modify or change the written and recorded easement agreement.³³

Kentucky Frontier in response to Coty Brown and Lindsey Brown's reply argued that the reply with supplemental information tracing their chain of title and connecting it to the easement of record purporting to grant free gas in exchange for easement rights should be considered invalid.³⁴ Kentucky Frontier argued that such a conveyance providing for free gas would be in violation of KRS 278.160(2) because the Browns would be taking gas at a rate less than that which is described in Kentucky Frontier's tariff.³⁵ In conclusion, Kentucky Frontier argued that Coty Brown and Lindsey Brown and Ricki Carty and Crystal Shawn Risner have already unduly complicated the proceeding by filing incomplete motions and then supplementing their motions by attaching completely new information to their replies.³⁶

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 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.³⁷

³³ Kentucky Frontier's Sur Response to Intervention by Ricki Carty, Crystal Shawn Risner, Coty Brown and Lindsey Brown at 3.

³⁴ Kentucky Frontier's Sur Response to Intervention by Ricki Carty, Crystal Shawn Risner, Coty Brown and Lindsey Brown at 3-5.

³⁵ Kentucky Frontier's Sur Response to Intervention by Ricki Carty, Crystal Shawn Risner, Coty Brown and Lindsey Brown at 4.

³⁶ Kentucky Frontier's Sur Response to Intervention by Ricki Carty, Crystal Shawn Risner, Coty Brown and Lindsey Brown at 5.

³⁷ KRS 164.2807.

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 sufficient advised, the Commission finds that the Movants have demonstrated that they have a special interest in the proceeding, over which the Commission has jurisdiction, and that those interests are not otherwise adequately represented. As noted above, the Movants argued that they each have an easement or contract that entitles them to free gas service from Kentucky Frontier because the pipeline in question, the Fontain-Williams Gas Gathering System, LLC (FWGGS) pipeline, traverses their property, and Movants, who are collectively represented by the same counsel, are the only persons seeking to represent those interests. Conversely, Kentucky Frontier generally argues that Movants are not or will not be entitled to free gas service because the relevant portions of the FWGGS pipeline are or will become part of its distribution system such that Movant's will or should be required to pay the applicable tariff rate.³⁸ Thus, the determination that Kentucky

³⁸ While Kentucky Frontier disputes the validity of certain of the contracts or easements, Kentucky Frontier's primary arguments related specifically to the Commission appear to be based on the premise that the relevant portions of the FWGGS pipeline are or will become part of its distribution system; that the Commission has exclusive jurisdiction over the rates and service of natural gas distribution utilities pursuant to KRS 278.040(2); that customers receiving gas distribution service must pay, pursuant to KRS 278.030 and KRS 278.170, fair, just, and reasonable rates, without unreasonable preference or advantage to one customer over another; and that customers may not pay more or less for gas distribution service than the amounts in a utility's schedule of rates and conditions of service, i.e. the utility's filed rate.

Frontier is seeking in this matter would uniquely impact amounts Movants are required to pay for gas service and potentially the nature of the service provided, and therefore, the Movants satisfy the special interest prong set forth in 807 KAR 5:001, Section 3(11).

In addition, although not required as the Movants have met one prong of the regulation, the Commission finds that the Movants are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceeding. The Movants raise a number of issues that the Commission believes will be important to review in this matter to develop facts regarding those issues. Kentucky Frontier's request for a Declaratory Order³⁹ requires the Commission to determine if it has jurisdiction over the gas lines at issue, therefore the validity of the contracts provided does not need to be determined to grant the requests for intervention filed in this proceeding. The Movants are connected to the gas line at issue in this matter and there is no other party in the proceeding to represent this interest, especially since the Attorney General is not an Intervening party in this matter.⁴⁰

Finally, Movants are represented by the same counsel, and the Commission expects that they will collectively question Kentucky Frontier to the extent possible, such that their collective participation will not unduly complicate or disrupt the proceedings. The Commission does not find that the movants have unduly complicated the proceedings or demonstrated an indifference or lack of attention by failing to provide an email address with the motions for intervention, and therefore, the Commission, on its

³⁹ Application.

⁴⁰ Case No. 2020-00290, *Electronic Application of Bluegrass Water Utility Operating Company, LLC for an Adjustment of Rates and Approval of Construction* (Ky. PSC Feb. 8, 2021), Order at 9.

own motion, finds that Movants should be granted a deviation from 807 KAR 5:001, Section 4(11)(a)1 to the extent that it required an email address for Movants with the Motion. However, the Commission finds, pursuant to 807 KAR 5:001, Section 8(9), that Movants should file a written statement with the Commission within seven days of service of this Order that certifies that they, or their agent, possesses the facilities to receive electronic transmissions; and sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085⁴¹ regarding filings with the Commission.

The Commission also observes that due to the number of requests for intervention and the briefing of the requests, this Order was not entered before the first requests for information were served on Kentucky Frontier or by the date included in the original procedural schedule for the parties to request a hearing or to request for the case to be submitted on the record. For that reason, on January 16, 2026, Kentucky Frontier filed a motion requesting that this case be submitted on the record, and Movants responded on January 22, 2026, and argued that a hearing should be conducted in this matter.⁴² The Commission acknowledges Kentucky Frontier's need for a timely decision due to the gas shortages in its service territory. However, given the novel issues that are likely to be

⁴¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

⁴² The Commission notes that Movants' response to the Motion to Submit also includes a very brief request that this case be held in abeyance because Movants filed an action in Magoffin Circuit Court on January 20, 2026. The Commission will address that request in a separate order but the parties should proceed under the current procedural schedule unless and until it is modified by a separate order.

presented in this matter and to ensure that Movants are able to fully participate in this matter, the Commission, on its own motion, finds that the procedural schedule in this matter should be modified to allow for the record to be more fully developed. Thus, the procedural schedule established in the November 3, 2025 Order is amended as set forth herein, and Kentucky Frontier's motion that the case be submitted on the record is denied at this time, but the amended procedural schedule provides an additional opportunity for the parties to request a hearing or that this case be decided on the record.

IT IS HEREBY ORDERED that:

1. Ricki Carty and Chrystal Shawn Risner's Motion to Intervene is granted.
2. Kathy Howard's Motion to Intervene is granted
3. Ryan Allen's Motion to Intervene is granted
4. Linda Sue Brown Allen's Motion to Intervene is granted
5. Coty Brown and Lindsey Brown's Motion to Intervene is granted.
6. Ricki Carty and Chrystal Shawn Risner, Kathy Howard, Ryan Allen, Linda Sue Brown Allen, Coty Brown and Lindsey Brown, shall be 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.
7. Ricki Carty and Chrystal Shawn Risner, Kathy Howard, Ryan Allen, Linda Sue Brown Allen, Coty Brown and Lindsey Brown 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.

8. The Movants are granted a deviation from 807 KAR 5:001, Section 4(11)(a)1 as discussed above.

9. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, all movants 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.


10. The procedural schedule in the November 3, 2025 Order is amended as set forth in the Appendix to this Order.

11. Any portion of the November 3, 2025 Order not in direct conflict with the Appendix to this Order shall remain in effect.

12. Kentucky Frontier's motion to submit is denied.

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00042 DATED JAN 27 2026

All initial requests for information to Kentucky Frontier shall
be filed no later than..... 02/04/2026

Kentucky Frontier shall file responses to initial requests for
Information no later than.....02/16/2026

Intervenor testimony, if any, in verified prepared
form shall be filed no later than.....02/25/2026

All request for information to Intervenors shall
be filed no later than.....03/04/2026

Intervenors shall file responses to requests for
Information no later than.....03/18/2026

Kentucky Frontier shall file, in verified form, its rebuttal
Testimony no later
than.....03/25/2026

Kentucky Frontier or any Intervenor shall request either a hearing
or that the case be submitted for decision based on the record no later
than..... 03/30/2026

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