

June 1, 2020

Kent Chandler, Esq., Executive Director Kentucky Public Service Commission 211 Sower Boulevard Frankfort, KY 40602

In Re: Docket No. 2019-000430

Dear Mr. Chandler:

On May 20, 2020, the Commission Staff issued "Commission Staff's Fourth Request for Information to Navitas KY NG, LLC" in the above-captioned docket. The Staff requested, among other things, the following information:

"1. State whether B&W or Navitas KY owns the metering equipment at the transfer point, and which entity is responsible for testing."

"2. Provide the results of the past three meter tests conducted on the transfer point meter."

To assist the Commission, B&W Pipeline files this public comment to respond to the Staff's requests.

The meter located at the point where gas is transferred from B&W Pipeline to Navitas KY (referred to as the "Albany city gate") is owned and maintained by B&W Pipeline. That meter is tested quarterly by Wildcat Gas Analysis, 275 Motor Sport Road, Greensburg, Kentucky 42743. The company owner is Mr. James Shuffett. Attached to this letter are the records of the last three, quarterly tests performed by Mr. Shuffett.

Based on Navitas KY's Response No. 9 to the Staff's First Request for Information, there is no dispute – except for one month – over the monthly amounts of gas delivered by B&W Pipeline to the Albany city gate from July 1, 2017 through January 31, 2019. In July, 2017, Navitas states that 3303 Mcfs of gas were delivered by B&W (or 1598 Mcfs of gas for the partial month, July 17-31), but the actual number as recorded by B&W's meter is 3173 Mcfs (or 1,535 Mcfs for the partial month). All the other Kentucky delivery figures reported by Navitas in Response No. 9 are correct.¹

Bradley Arant Boult Cummings LLP | Roundabout Plaza | 1600 Division Street, Suite 700 | Nashville, TN 37203-2754 | 615.244.2582 | bradley.com

¹ Although the deliveries to Tennessee customers may not be relevant to this docket, B&W notes that there are three, clear errors in the Tennessee delivery figures in Response No. 9. In October, 2017, Navitas reports Tennessee deliveries of only 127 Mcfs. The actual number as shown in Exhibit A attached to the letter from B&W filed on February 7, 2020 was 835 Mcfs. (In Exhibit G, Navitas reported Tennessee sales that month of 725 Mcfs.)

B&W also notes that Navitas has still not accurately calculated the arrearage owed to the pipeline for the period July 17, 2017 through January 31, 2019,² nor has Navitas taken any action to seek clarification from the FERC concerning one of the billing disputes raised by Navitas despite having been instructed by the KPSC to do so.³

Finally, as stated in the letter filed by B&W in this docket on February 7, 2020, B&W is entitled to charge interest on the arrearage owed by Navitas. Section 6.12 E. of B&W's federal tariff (called the "Statement of Operating Conditions") states that B&W "shall have the option" of charging interest on late payments. B&W has offered to waive interest charges on the arrearage prior to November, 2019, in the hope that Navitas would drop its frivolous billing disputes, begin paying the full, FERC rate on all gas transported by the pipeline, and arrange to pay the arrearage over a reasonable time, with interest going forward from November, 2019. That offer remains open.

Sincerely,

BRADLEY ARANT BOULT CUMMINGS, LLP

Henry Walker

Attachment

cc: Klint Alexander Don Baltimore Thomas Hartline Kent Hatfield

Similarly, Navitas reports Tennessee deliveries in December, 2017 and January, 2019 as 2596 Mcfs and 1847 Mcfs, respectively. The actual numbers are much higher: 3,501 Mcfs in December, 2017 and 3,176 Mcfs in January, 2019. The Tennessee deliveries in each of the sixteen other months as shown in Response No. 9 are all accurate.

² The revised "Exhibit G" submitted by Navitas contains the same errors that B&W Pipeline described in its letter of February 7, 2020. Navitas continues to calculate the arrearage as if the FERC rate became effective on July 1, 2017 instead of July 17, 2017 and continues to calculate the arrearage as if Navitas should only pay for the Mcfs of gas that Navitas sold to its Kentucky customers and not the larger amount of gas that B&W delivered to the Albany city gate.

³ Mr. Hartline has stated that he has declined to pay a portion of B&W's transportation charges because of alleged ambiguity in a FERC ruling that denied Navitas' petition for rehearing. (A copy of the FERC Order, issued September 4, 2019, was filed by B&W Pipeline in KPSC Docket No. 2019-00241.) During a hearing on February 27, 2020, the KPSC directed Mr. Hartline to seek clarification from the FERC if necessary to resolve the billing dispute.

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Distribution: Measurement Analyst - Division Measurement Specialist/Coordinator - Witness - Originating Location