

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC INVESTIGATION OF JURISDICTIONAL)	
STATUS OF EAST KENTUCKY MIDSTREAM, LLC)	CASE NO.
AND OF ITS COMPLIANCE WITH KRS CHAPTER 278,)	2022-00238
807 KAR CHAPTER 005, AND 49 CFR PARTS 191 AND 192)	

**KENTUCKY FRONTIER GAS, LLC’S RESPONSE TO
EAST KENTUCKY MIDSTREAM**

Comes now Kentucky Frontier Gas, LLC (“Kentucky Frontier”), pursuant to 807 KAR 5:001, Section 5 and other relevant law, by counsel, and respectfully states as follows in response to East Kentucky Midstream, LLC’s (“EKM”) Response to Kentucky Frontier’s Witness List:

1. The Kentucky Public Service Commission (“Commission”) opened a proceeding to investigate this jurisdictional status of EKM on August 11, 2022.¹ On June 22, 2023, Michael Harris, was deposed, along with other individuals, relating to the investigation into EKM.² The Commission hired an expert, Sander Resources, LLC that evaluated EKM and during that evaluation, Mr. Harris was consulted, while employed by Kentucky Frontier.³

2. At the time of the June 22, 2023, deposition, Mr. Harris was an employee of Kentucky Frontier. Currently, Mr. Harris is an employee of the Commission.

¹ August 12, 2022 Order (Ky. PSC Aug. 12, 2022).

² Deposition of Michael Harris (filed July 28, 2023).

³ PSC Letter Filing Sander Resources Response to East Kentucky Midstream into the Record (filed September 17, 2024).

3. The Commission’s March 11, 2025 Order setting the hearing in this proceeding contained the following statement: “In addition, any person who provided a sworn deposition in this matter shall appear in person at this hearing.”

4. On April 28, 2025, Kentucky Frontier filed its witness list for the hearing scheduled on May 19, 2025, pursuant to the March 22, 2025 Order. In its witness list, Kentucky Frontier noted that Mr. Harris is now employed by the Commission and therefore Kentucky Frontier cannot make Mr. Harris available but requested the Commission make Mr. Harris available for cross-examination.⁴

5. EKM filed a response to this request from Kentucky Frontier that asserted, “as an employee of the Commission, Mr. Harris cannot appear as a witness on information relating to his former employer at Kentucky Frontier.”⁵ EKM also stated, that Mr. Harris should be screened within the Commission from the matter.

5. Mr. Harris has important information related to Kentucky Frontier’s position in this matter. He has already provided testimony in the form of a deposition and provided information to the Commission’s consultant in this proceeding, he also attended the formal conference that was held in this matter on October 14, 2022. Not allowing Kentucky Frontier, the Commission, and EKM the opportunity to examine Mr. Harris at the May 19, 2025 hearing will result in an incomplete record regarding the jurisdictional status of EKM.

6. Kentucky Frontier is in agreement with EKM that Mr. Harris should be screened from the Commission’s *internal* processing of this matter. However, Mr. Harris’ testimony will be crucial to the Commission receiving the information necessary to make findings on this matter.

⁴ Kentucky Frontier Witness List (filed April 28, 2025).

⁵ EKM Response to Kentucky Frontier Request relating to Commission Employee Mike Harris (filed May 5, 2025).

WHEREFORE, Kentucky Frontier respectfully requests, the Commission make Mr. Harris available as a witness for the May 19, 2025 hearing.

This 6th day of May, 2025.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on May 6, 2025 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be filed.



Counsel for Kentucky Frontier Gas, LLC