

**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 | ) |            |

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

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Comes now Kentucky Frontier Gas, LLC (“Kentucky Frontier”), pursuant to Public 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”) Motion to Excuse/Substitute for Darrell Parks and Further Response to KY. Frontier’s Request Re Michael Harris:

The Kentucky Public Service Commission (“Commission”) opened a proceeding to investigate this jurisdictional status of EKM on August 11, 2022.<sup>1</sup> On June 22, 2023, Michael Harris, John White, Jack Banks and Darrell Parks were all deposed in Carter County, Kentucky.<sup>2</sup> The Commission hired an expert, Sander Resources, LLC (“Sander”) that evaluated EKM and according the Sander report, Mr. Harris was consulted, while an employee on Kentucky Frontier, for purposes of the report<sup>3</sup>

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<sup>1</sup> August 12, 2022 Order (Ky. PSC Aug. 12, 2022).

<sup>2</sup> Deposition of Michael Harris (filed July 28, 2023); Deposition of John White (filed July 28, 2023); Deposition of Jack Banks (filed July 28, 2023); Deposition of Darrell Parks (filed July 28, 2023).

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

Both Mr. Banks and Mr. Parks were able to travel to and attend the depositions in this matter on the same date. The argument made by EKM in its motion to excuse is that “it would not be good safety practice for both to be away from the system at the same time.”<sup>4</sup> However, they were both able to travel to and attend depositions on the same day in Carter County, Kentucky. Mr. Banks and Mr. Parks could be called at different times at the hearing, perhaps one in the morning and one in the afternoon to limit the amount of time that both of them would be away simultaneously. In addition, EKM states that the EKM offices and Mr. Parks “lack the technology and connectivity for Mr. Parks to appear at the hearing virtually/remotely with both video and audio.”<sup>5</sup> Kentucky Frontier and the Commission have a right to cross-exam Mr. Parks, someone who EKM describes as someone that has “the most experience with regard to operating the EKM system.”<sup>6</sup>

EKM seeks to have its employee who has extensive experience in operating EKM’s system excused from participating in this hearing and is also attempting to exclude a former Kentucky Frontier employee that has the most knowledge of Kentucky Frontier’s system and is very familiar with EKM’s system. This should simply not be allowed. Both Kentucky Frontier and the Commission should have the opportunity to develop the record in this proceeding with the witnesses necessary to do so. It is not a direct conflict of interest as claimed by EKM to have Mr. Harris testify at the hearing in this matter.<sup>7</sup> Mr. Harris appeared on behalf of Kentucky Frontier at the formal conference and has provided a deposition on behalf of Kentucky Frontier. Testifying

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<sup>4</sup> EKM’s Motion p. 2.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

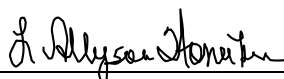
<sup>7</sup> *Id.*

in this proceeding as to the information he has regarding his employment with Kentucky Frontier is not a direct conflict of interest. Mr. Harris should be excluded from any internal discussions or decision-making process of the Commission related to this matter, but he should not be excluded from testifying at the hearing in this matter.

WHEREFORE, Kentucky Frontier respectfully requests, the Commission to deny EKM's motion to excuse/substitute Darrell Parks and for the Commission to make Michael Harris available as a witness for the May 19, 2025 hearing.

This 14<sup>th</sup> day of May, 2025.

Respectfully submitted,



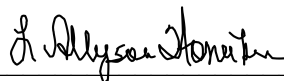
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### **CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing was transmitted to the Commission on May 14, 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.



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*Counsel for Kentucky Frontier Gas, LLC*