

**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 COMPLAINT 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  
FIRST REQUEST FOR INFORMATION TO  
EAST KENTUCKY MIDSTREAM, LLC**

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September 12, 2022

## I. DEFINITIONS AND INSTRUCTIONS

1. With respect to each information request, all information is to be divulged that is within the knowledge, possession or control of the parties to whom it is addressed, including their agents, employees, advisors, consultants, attorneys and/or investigators.

2. Please identify the witness(es) who will be prepared to answer questions concerning each request.

3. These requests shall be deemed continuing so as to require further and supplemental responses if the party receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.

4. All answers must be separately and fully stated in writing under oath.

5. Where an information request calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable.

6. If any request appears confusing, please request clarification directly from counsel for Kentucky Frontier Gas, LLC (“Kentucky Frontier”).

7. For purpose of these discovery requests, the following terms shall have meanings set forth below:

- (a) As used herein, “document,” “documentation” and/or “record,” whether stated as the singular or the plural, means any course of binders, book, pamphlet, periodical, letter, correspondence, memoranda, including but not limited to, any memorandum or report of a meeting or telephone or other conversation, invoice, account, credit memo, debit memo, financial statement, general ledger, ledger, journal, work papers, account work papers, report, diary, telegram, record, contract, agreement, study, draft,

telex, handwritten or other note, sketch, picture, photograph, plan, chart, paper, graph, index, tape, data processing card, data processing disc, data cells or sheet, check acceptance draft, e-mail, studies, analyses, contracts, estimates, summaries, statistical statements, analytical records, reports and/or summaries of investigations, opinions or reports of consultants, opinions or reports of accountants, trade letters, comparisons, brochures, pamphlets, circulars, bulletins, notices, forecasts, electronic communication, printouts, all other data compilations from which information can be obtained (translated if necessary by defendants into usable form), any preliminary versions, drafts or revisions of any of the foregoing, and/or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced and regardless of origin or location, in the possession, custody and/or control of the defendant and/or their agents, accountants, employees, representatives and/or attorneys. "Document" and "record" also mean all copies of documents by whatever means made, if the copy bears any other markings or notations not found on the original.

- (b) The terms "relating to," "referring to," "referred to," "pertaining to," "pertained to" and "relates to" means referring to, reporting, embodying, establishing, evidencing, comprising, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, presenting and/or constituting and/or in any way involving.

- (c) The terms “and,” “or,” and “and/or” within the meaning of this document shall include each other and shall be both inclusive and disjunctive and shall be construed to require production of all documents, as above-described, in the broadest possible fashion and manner.
- (d) The term “EKM” shall mean East Kentucky Midstream, LLC and shall include, but is not limited to, each and every member, agent, employee, servant, advisor, consultant, insurer and/or attorney of EKM. The term “you” shall be deemed to refer to EKM.
- (e) The term “Commission” shall mean the Kentucky Public Service Commission.
- (f) To “identify” shall mean:
  - (1) With respect to a document, to state its date, its author, its type (for example, letter, memorandum, chart, photograph, sound reproduction, etc.), its subject matter, its present location, and the name of its present custodian. The document may be produced in lieu of supplying the foregoing information. For each document which contains information as privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.
  - (2) With regard to a natural person, to state his or her full name, last known employer or business affiliation, title and last known home address.

- (3) With regard to a person other than a natural person, state the title of that person, any trade name, or corporate name or partnership name used by that person, and the principal business address of that person.
- (g) To “produce” or to “identify and produce,” shall mean that EKM shall produce each document or other requested tangible thing. For each tangible thing which EKM contends is privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.
- (h) The terms “Party or Parties” shall mean any organization, person, corporation, entity, etc., which intervened, or whose request for intervention is still pending, in the above-captioned proceeding and shall further include the Commission Staff.

## II. INITIAL DATA REQUESTS

**Request No. 1** Please provide the percentage of gas purchased or transported by EKM that was delivered to wholesale customers and the percentage that was delivered to retail customers for the period of March 2021 through July 2022. For this response, wholesale gas customers include but are not limited to Kentucky Frontier Gas and City of West Liberty.

**Response:**

**Request No. 2** Do any of the members of EKM also own or control gas production in Eastern Kentucky? If so, please provide:

- a. Any gas production entity that is owned more than 35% by, or controlled by, a member of EKM. Include in this response the scope and area of the entity, along with the EKM member and the percentage of ownership in the entity.
- b. For any gas producer identified in part a above, identify any gas wells owned or operated by the at entity that are connected to the former Jefferson Gas system.
- c. For the period of March 2021 through July 2022, identify the location this gas was delivered to Jefferson-EKM from each entity, along with monthly gas volumes that were transported on the former Jefferson Gas system. In addition, please provide the unit price paid per dekatherm to the producing entity for gas purchases.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing was transmitted to the Commission on September 12, 2022 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's Order in Case No. 2020-00085 no paper copies of this filing shall be made.



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*Counsel for Kentucky Frontier Gas, LLC*