

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Electronic INVESTIGATION OF)
JURISDICTIONAL STATUS OF EAST)
KENTUCKY MIDSTREAM, LLC, AND OF)
ITS COMPLIANCE WITH KRS CHAPTER)
278, 807 KAR CHAPTER 005, AND 49 CFR)
PARTS 191 AND 192)

Case No.
2022-00238

Notice of Filing

East Kentucky Midstream, LLC (“EKM”) herewith submits the Affidavit of Jack Banks. Jack Banks recently provided testimony at a deposition before Commission staff on June 22, 2023. On that same date, and following the testimony of witnesses associated with EKM, representatives for Kentucky Frontier Gas, LLC provided deposition testimony regarding topics that were not asked of the EKM witnesses and of which Jack Banks had first-hand knowledge. EKM now submits this Affidavit to provide sworn statements on these topics.

Respectfully Submitted,

/s/Kathryn A. Eckert

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COMMONWEALTH OF KENTUCKY
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In the Matter of:

<i>Electronic</i> Investigation of Jurisdictional Status)	Case No.
of East Kentucky Midstream, LLC, and of its)	2022-00238
Compliance with KRS Chapter 278, 807 KAR)	
Chapter 005, and 49 CFR Parts 191 and 192)	

AFFIDAVIT OF JACK BANKS

Comes now Jack Banks, the Affiant, and states as follows:

1. I, Jack Banks, the undersigned affiant, am over the age of eighteen years old and competent to testify in this matter.
2. I have personal knowledge of the facts contained herein.
3. I have been employed by East Kentucky Midstream, LLC (“EKM”), since early 2021, and was employed by Jefferson Gas, LLC (“Jefferson Gas”) prior to that for years.
4. Throughout my employment with both companies, I oversaw operations, and continue to do so currently.
5. I have extensive knowledge of the EKM system, how the farm tap operations currently function, and how the farm tap operations functioned when part of Jefferson Gas prior to acquisition by EKM.
6. Line A-3 is a gathering line with eight (8) producers that deliver natural gas into this line and three (3) master meters that serve twelve (12) wells; these producers are Primrose Oil LLC, HTC Gas Company, MBM Production LLC, Diversified Energy, Thealka Gas, Lawrence County Gas, Levi Oil & Gas and Roberts Resources.
7. The Bearpen Hollow pipeline is a gathering line on A-1 that is owned by EKM.

8. The Bearpen Hollow pipeline gathers natural gas from two producing wells owned by Troublesome Creek Gas Corporation.

9. There are thirty to forty farm tap customers that are served by the Bearpen Hollow gathering line.

10. Kentucky Frontier Gas ("KFG") serves all the farm tap customers on the Bearpen Hollow gathering line.

11. I learned from my President and CEO at the time, Gene Mapes, Sr., that Highlands Elementary School originally received natural gas service until the associated line was sold to Kinzer Drilling Company, LLC ("Kinzer"), and Kinzer shortly thereafter decided to abandon the pipeline, thereby terminating natural gas service to the school.

12. Mr. Mapes, Sr. further informed me that Jefferson Gas received a request for temporary natural gas service at the school on an emergency basis, and that a third-party contractor laid the line to the school; Jefferson Gas began providing farm tap service to the school at that time.

13. Jefferson Gas agreed to this arrangement on a temporary basis; Jefferson Gas and now EKM have continued providing farm tap service to the present time.

14. Discount Auto Broker's facilities are located along the pipeline between Highlands Elementary School and the pipeline interconnect on EKM's gathering pipeline, Line A-3.

15. Discount Auto Brokers constructed a new-build garage on their premises and while doing so severed the pipeline serving the school.

16. As part of the pipeline repair, Discount Auto Brokers requested natural gas service from Jefferson Gas while I was overseeing operations for Jefferson Gas.

17. Jefferson Gas agreed to provide this gas service to Discount Auto Brokers.

18. As a result, Discount Auto Brokers became a farm tap customer of Jefferson Gas approximately ten (10) years ago.

19. I knew that Kentucky Energy Development, LLC (parent company of Jefferson Gas) sold Public Gas Company, Inc. to Gas Natural, Inc.

20. Rick Osborne, President and CEO of Gas Natural, told me that the sale of "assets" included all service lines downstream from the pipeline interconnections.

21. Rick Osborne also told me that Gas Natural wanted to own all the service lines to the farm tap customers because eventually Gas Natural intended to buy all the remaining pipeline system owned by Jefferson Gas.

22. Rick Osborne specifically stated to me that Gas Natural did not want to own the pipeline serving Highlands Elementary School because it was a temporary service agreement.

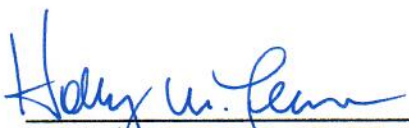
Further Affiant sayeth naught.



Jack Banks, Affiant

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

Subscribed, acknowledged and sworn to before me by Jack Banks, on this the 11th day of August, 2023.

 #KYNP75291

NOTARY PUBLIC, STATE AT LARGE
My Commission Expires: Aug. 8, 2027