

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

<i>Electronic Investigation of Jurisdictional Status</i>)	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)	

**East Kentucky Midstream, LLC Motion for Stay
Pending Court Review**

East Kentucky Midstream, LLC (“EKM”) respectfully requests that the Public Service Commission of Kentucky (“Commission”) stay the directives arising from the decision that EKM is a jurisdictional utility in the Final Order entered February 27, 2026 (“the Final Order”) as modified by the 4/8/26 Order denying EKM’s petition for rehearing, pending a decision in Franklin Circuit Court Case No. 26-CI-0474. In support of this Motion, EKM states as follows:

1. From inception and since acquisition by EKM, the pipelines now owned and operated by EKM have been categorized and treated as a gas gathering system that supplies farm-tap service. EKM has a tariff, approved and on file with the Commission, effective May 20, 2024, for farm-tap service from a natural gas gathering system. EKM’s physical system and its approved farm-tap tariff do not provide for and are inconsistent with utility-grade service.

2. The Final Order (p.25 ordering ¶3) declares that EKM “is a jurisdictional utility pursuant to KRS 278.010(3) and KRS 278.040,” and imposes on EKM various requirements. The 4/8/26 Order (p.7 ¶¶ 2-3) extended the deadlines for ordered filings as a utility to May 15, 2026.

3. On April 28, 2026, EKM filed a complaint in the Franklin Circuit Court, assigned Case No. 26-CI-0474, for KRS 278.410 review of the Final Order as modified and for a declaratory judgment that EKM is not a jurisdictional utility and is not subject to regulation as such.

4. The requested Court review and eventual judgment in Franklin Cir. Case No. 26-CI-0474 may confirm EKM's existing status or otherwise vacate or modify the basis for the Final Order mandates premised on utility status. Pending that review and eventual final judgment, EKM should not be compelled to incur substantial, unrecoverable expenses, capital costs and operational disruption to reconfigure its system and bookkeeping or to change the nature, terms, and conditions of its farm-tap service as set out in its existing, effective tariff on file with the Commission.

5. A stay by the Commission is needed to preserve the status quo and avoid unnecessary costs now and later if the Court judgment vacates or modifies the basis for the Final Order.

6. EKM is not asking for a stay of the requirement in Ordering ¶ 8 of the Final Order that it "address all violations brought forward by the Division of Inspections during any post-case inspections."

WHEREFORE, EKM respectfully requests that, pending the entry of judgment in Franklin Circuit Court Case No. 26-CI-0474, the Commission stay the directives and deadlines in the Final Order (as modified by the 4/8/26 Order) that are premised on jurisdictional-utility status.

Respectfully submitted,

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