

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION KENTUCKY)	
FRONTIER GAS, LLC FOR A DECLARATORY)	CASE NO.
ORDER ON FREE GAS)	2025-00042

**MOTION TO DISMISS INTERVENORS OR ALTERNATIVELY TO COMPEL DATA
REQUEST RESPONSES AND TO EXTEND THE PROCEDURAL SCHEDULE**

Comes now Kentucky Frontier Gas, LLC (“Kentucky Frontier”), by counsel, and for its Motion to Dismiss Coty Brown, Lindsey Brown, Linda Sue Brown Allen, Ryan Allen, Kathy Howard, Ricki Carty, and Crystal Shawn Risner (“Intervenors”) or alternatively to Compel Data Request Responses and to Extend the Procedural Schedule, respectfully states as follows:

I. Background

Kentucky Frontier filed this declaratory action on February 19, 2025 for the purpose of seeking a declaratory order from the Kentucky Public Service Commission (“Commission”) holding that Kentucky Frontier is not obligated to provide free gas to certain landowners in its service territories who claim to have contracts with Kentucky Frontier’s predecessor, B.T.U. Gas Company.¹ The Intervenors were granted intervention on January 27, 2026.² In the Order granting intervention, the Commission modified the procedural schedule requiring the Intervenors to file a written statement within seven days of the order and for the intervenors to file responses to requests for information no later than March 18, 2026.³ Commission Staff propounded requests for

¹ Application (filed February 19, 2025).

² Order (dated January 27, 2026).

³ *Id.*

information upon the Intervenors on March 3 and 4, 2026⁴ and Kentucky Frontier propounded requests for information upon the Intervenors on March 4, 2026.⁵ The Intervenors failed to file a written statement within seven days in compliance with the Commission’s Order and failed to file responses to Staff’s and Kentucky Frontier’s requests for Information.

II. Argument

The Intervenors have shown an unwillingness to comply with the Commissions’ Orders. The pillars of being granted intervention include that the movant 1) has a “special interest in the case that is not otherwise adequately represented” or 2) is “likely to present issues or develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.”⁶ By failing to file a written statement, Intervenors have shown a disinterest in protecting or representing their “special interest”. And, by failing to respond to data requests in accordance with the Commission’s order, the Intervenors have shown that they are not willing to “present issues or develop facts that assist the commission in fully considering the matter”. Due to their lack of participation the Intervenors have unduly complicated these proceedings.

Moreover, after requesting intervention, Intervenors filed a separate matter in Magoffin Circuit Court asking the Magoffin Circuit Court Judge to rule on the matters that Kentucky Frontier brought before the Commission in this case.⁷ Kentucky Frontier moved to dismiss that matter

⁴ *Staff’s First Request for Information to Ricki Carty and Crystal Shawn Risner*, filed March 3, 2025; *Staff’s First Request for Information to Kathy Howard*, filed March 3, 2025; *Staff’s First Request for Information to Ryan Allen*, filed March 3, 2026; *Staff’s First Request for Information to Coty Brown and Lindsey Brown*, Filed March 4, 2025; and *Staff’s First Request for Information to Linda Sue Brown*, filed March 4, 2025.

⁵ *Kentucky Frontier’s First Request for Information to Coty Brown, Lindsey Brown, Linda Sue Brown, Ryan Allen, Kathy Howard, Ricki Carty, and Crystal Shawn Risner*, filed March 4, 2026.

⁶ 807 KAR 5:001(11)(b).

⁷ See Magoffin Circuit Court Civil Action No. 26-CI-00030.

arguing that the Commission has exclusive jurisdiction over the issues presented. At the hearing on that motion, counsel for the Intervenors conceded that he did not expect to succeed in front of the Commission saying, “I fully expect the Public Service Commission to rule that my clients will not get free gas for life, that’s why I went ahead and filed this action.”⁸ The Intervenors have disregarded the Commission’s orders and tried to usurp the Commissions’ decision making processes in their local Circuit Court. For these reasons, the Intervenors are not protecting a special interest but rather, are unduly complicating the proceedings and should not be permitted to participate further in this case except through making public comments.

WHEREFORE, on the basis of the foregoing, Kentucky Frontier respectfully requests that the Commission dismiss the Intervenors from this matter. Alternatively, Kentucky Frontier requests that the Commission compel the Intervenors to file their written statements and responses to Data Requests within ten days and amend the procedural schedule allowing Kentucky Frontier an appropriate amount of time to file rebuttal testimony, request a hearing, and/or move for the case to be submitted for a decision based upon the record.

This 24th day of March, 2026.

⁸ See Magoffin County Circuit Court Civil Action No. 26-CI-00030 February 19, 2026 hearing video at 9:32:50-9:33:10. In an Order dated February 2, 2026, the Magoffin Circuit Court judge ruled to hold the circuit court matter in abeyance pending a decision by the PSC.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on March 24, 2026, and that there are no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to prior Commission Orders, no paper copies of this filing will be made.



Counsel for Kentucky Frontier Gas, LLC