

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Electronic INVESTIGATION INTO THE RATES
AND SERVICES OF EAST KENTUCKY
MIDSTREAM, LLC

Case No. 2026-00121

East Kentucky Midstream, L.L.C. Motion for Confidential Treatment of Information

East Kentucky Midstream, L.L.C. (“EKM”) respectfully submits this Motion pursuant to 807 KAR 5:001, Section 13, for confidential treatment of certain information responsive to the initial requests for information in this case. In support of this Motion, EKM states as follows:

1. On this date, EKM filed its Responses to Commission Staff’s First Request for Information (“1 PSC ___”).
2. EKM is seeking confidential treatment for information or documents included in its responses to 1 PSC 01 subparts a and d, 03, 08, 10, and 15. The requests for 1 PSC 01.d and 15 seek information regarding the compensation for the employees of EKM; the requests for 1 PSC 01.a, 03, 08, and 10 request sensitive and proprietary business information, which if disclosed would give competitors and suppliers of EKM an unfair commercial advantage.
3. In compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(3), EKM is filing under seal with the Commission
 - the 2024/25 trial balances and payroll summaries as Excel files and the latter also in a PDF print-out entirely unredacted and with highlighting of the material for which confidential treatment is sought; and

- all the other information and materials in PDF form entirely unredacted and with highlighting of the material for which confidential treatment is sought.

The unredacted files and copies are filed under seal pursuant to the instructions regarding confidential filings in the 3/24/20 Order issued in Ky. PSC Case No. 2020-00085; redacted pages of the PDFs are being publicly filed with the electronic copy of this Motion.

4. All the information and documents herein for which confidential treatment is being sought are treated as confidential by EKM. They are not publicly disseminated and public disclosure of this information would harm EKM because these reveal sensitive information regarding the internal financial ability and workings of EKM, as well as sensitive personal information regarding the compensation of various employees.

5. If the Commission disagrees with EKM that the material for which this Motion seeks confidential treatment is exempt from disclosure, it must hold an evidentiary hearing to protect the due process rights of EKM and its employees, and permit the opportunity to supply the Commission with a complete record to enable it to reach a decision with regard to this confidentiality request.

Commercially- and critically-sensitive information

6. Under KRS 61.878(1)(c)(1), commercial information generally recognized as confidential is protected if disclosure would cause competitive injury and permits competitors and suppliers of EKM an unfair commercial advantage. Public disclosure of the information in the documents for which EKM seeks confidential treatment may cause competitive harm to EKM as it manages and operates its system in Kentucky.

7. EKM is a privately held company and the information provided in response to 1 PSC 01a and 10 are derived from tax documents exempt from public disclosure under KRS

131.190 and therefore not public records pursuant to KRS61.878(1)(l). Moreover, the schedules in response to 1 PSC 10 contain identifying information for equipment deemed critical infrastructure under KRS 61.878(1)(m)1.f and therefore exempt from public disclosure.

8. 807 KAR 5:001, Section 13(2)(a)(2) provides that a motion for confidential treatment shall state the time period in which the material should be treated as confidential and the reasons for this time period. Movant respectfully submits that five years from the date of the filing of this Motion is a reasonable period of time for these documents to be treated as confidential due to competitive conditions in the natural gas industry.

Confidential personal information

9. The Kentucky Open Records Act exempts from disclosure certain private and personal information. The Kentucky Court of Appeals has held that wage rate is in the category of information “generally accepted by society as details in which an individual has at least some expectation of privacy.” *Zink v. Cmwlth, Dept. of Workers’ Claims*, 902 S.W.2d 825, 828 (Ky. App. 1994). The Kentucky Supreme Court has characterized “one’s income” as “intimate” information of a private nature. *Cape Publications, Inc. v. University of Louisville Foundation, Inc.*, 260 S.W.3d 818, 822 (Ky. 2008) (quoting *Zink*, 902 S.W.2d at 829).

10. The Commission has recognized a right to employee privacy. In an order approving a petition for confidential treatment in Case No. 89-374, the Commission found that salary information for job classifications “should be available for customers to determine whether those salaries are reasonable,” but “the right of each individual employee within a job classification to protect such information as private outweighs the public interest in the information.” Case No. 89-374, Order at 2 (Ky. PSC Apr. 30, 1997). The Commission then concluded, “Thus, the salary

paid to each individual within a classification is entitled to protection from public disclosure.”

Id.; see also Case No. 2020-00104, Order at 3 (Ky. PSC Jan. 25, 2022).

11. EKM is thus requesting confidential protection for both the Excel files and those provided in PDF in response to 1 PSC 01.d and 15. EKM is providing current and recent-past wage and other compensation information for employees. This personal and private information is not in the public realm. EKM’s employees have a reasonable expectation that their compensation is personal and private information. Disclosure would constitute an unwarranted invasion of their personal privacy in contravention of KRS 61.878(1)(a).

12. Disclosure of this information would invade the privacy rights of the individuals named. This personal and private information is not in the public realm. EKM’s employees have a reasonable expectation that their compensation is personal and private information. Disclosure would constitute an unwarranted invasion of their personal privacy in contravention of KRS 61.878(1)(a).

13. 807 KAR 5:001, Section 13(2)(a)(2) provides that a motion for confidential treatment shall state the time period in which the material should be treated as confidential and the reasons for this time period. Movant respectfully submits that information and documents about its employees be treated as confidential perpetually, due to the individual privacy interests at stake.

WHEREFORE, EKM respectfully requests that the Commission grant confidential treatment of the information described herein.

Respectfully submitted,

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January through December 2024

Name job description (start date)			Darrell K Parks Laborer (4/2021)		Justin W Hollon Laborer (4/2021)		Tony H Barnett Laborer (4/2021)		Wesley S Kingsmore Supervisor (4/2021)	TOTAL
			Hours	Jan - Dec 24	Hours	Jan - Dec 24	Hours	Jan - Dec 24	Jan - Dec 24	Jan - Dec 24
Employee Gross Pay										
		Salary								
		Holiday								
		Hourly								
		Overtime (x 1.5) hourly								
Total Gross Pay										
Taxes Withheld										
		Federal Withholding								
		Social Security - Employee								
		Medicare - Employee								
		KY - Withholding								
		Medicare Employee Addl Tax								
Total Taxes Withheld										
Net Employee Pay										
Employer Taxes and Contributions										
		Federal Unemployment								
		Social Security - Company								
		Medicare - Company								
		KY - Unemployment								
Total Employer Taxes and Contributions										
HDVLA benefits?										

January through December 2025

Name job description (start date)			Darrell K Parks Laborer (4/2021)		Justin W Hollon Laborer (4/2021)		Tony H Barnett Laborer (4/2021)		Wesley S Kingsmore Supervisor (4/2021)		TOTAL
			Hours	Jan - Dec 25	Hours	Jan - Dec 25	Hours	Jan - Dec 25		Jan - Dec 25	Jan - Dec 25
Employee Gross Pay											
	Salary										
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	Medicare - Employee										
	KY - Withholding										
	Medicare Employee Addl Tax										
	Total Taxes Withheld										
	Net Employee Pay										
Employer Taxes and Contributions											
	Federal Unemployment										
	Social Security - Company										
	Medicare - Company										
	KY - Unemployment										
	Total Employer Taxes and Contributions										
	HDVLA benefits?										

Request

3. Provide East Kentucky Midstream’s cash account balances at the beginning of the most recent calendar year and at the end of each month through the date of this request.
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Response

The following table provides the balance total in EKM’s cash (checking/savings) accounts at the beginning of 2026 and at the end of each subsequent month through to the 8/7/26 date of the PSC Staff’s first information request. Confidential treatment for this information is being sought in a concurrently-filed motion.

Date (as of)	Cash Accounts Balance
1/1/26	
1/31/26	
2/28/26	
3/31/26	
4/30/26	
5/31/26	
6/30/26	
7/31/26	

Request

8. Provide the following:
- a. A list of all outstanding issuances of long-term debt as of the end of the latest calendar year together with the related information as shown in Schedule 1.
 - b. An analysis of short-term debt as shown in Schedule 2 as of the end of the latest calendar year.
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Response

- a. EKM has borrowed money from non-commercial lenders, with the loans evidenced by notes. It lists below the lender and amount remaining payable on such notes as of the end of calendar year 2025. Confidential treatment for the redacted information is being sought in a concurrently-filed motion.

Lender	Principal Remaining as of 1/1/26
Eagle Well Investments, LLC	
Eagle Well Service, Inc.	
EWS, Inc.	
EWS, Inc.	
Sandy Valley Gas, Inc.	

- b. As of January 1, 2026, EKM had no outstanding issuances of short-term debt.

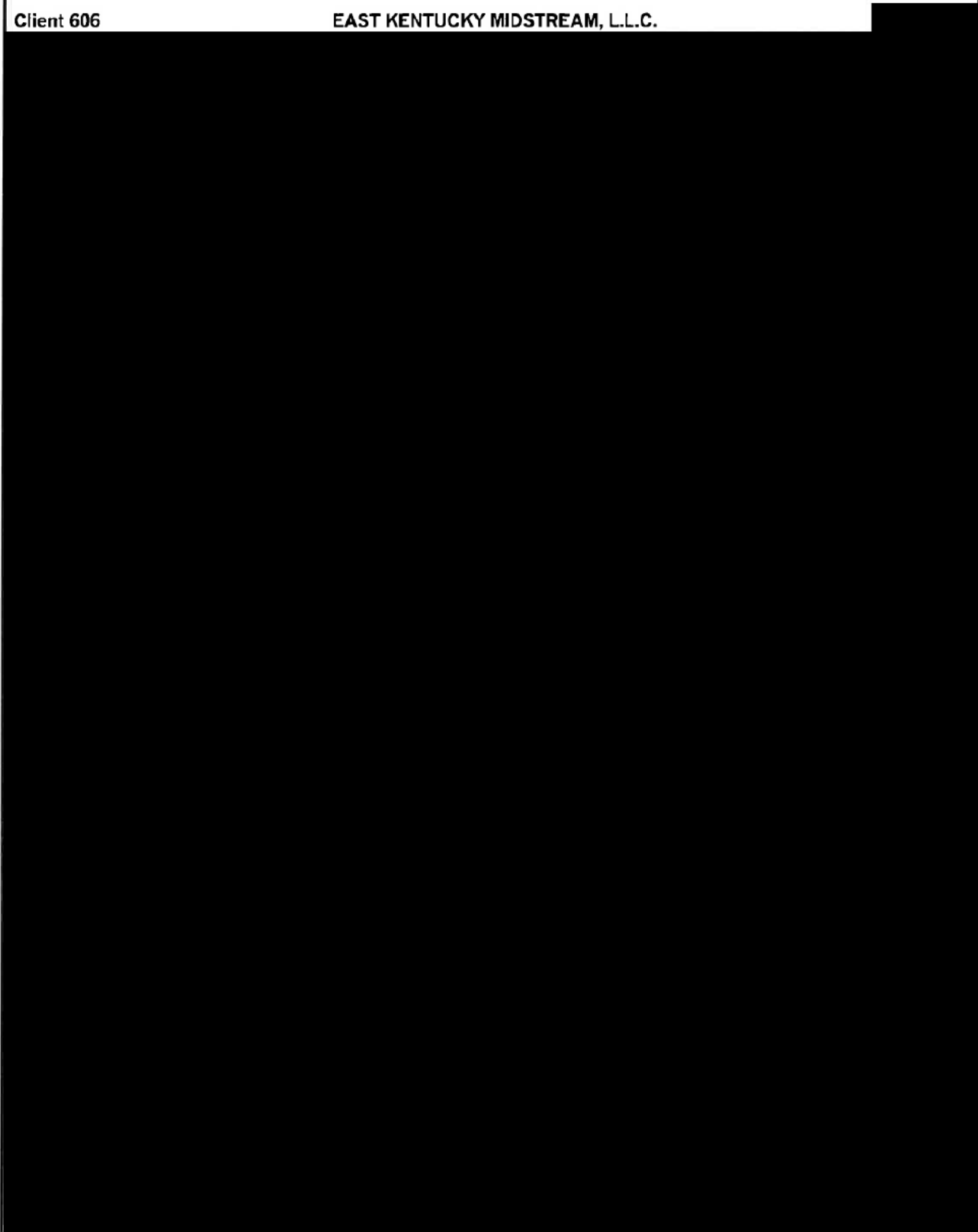
12/31/25

2025 Federal Summary Depreciation Schedule

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EAST KENTUCKY MIDSTREAM, L.L.C.



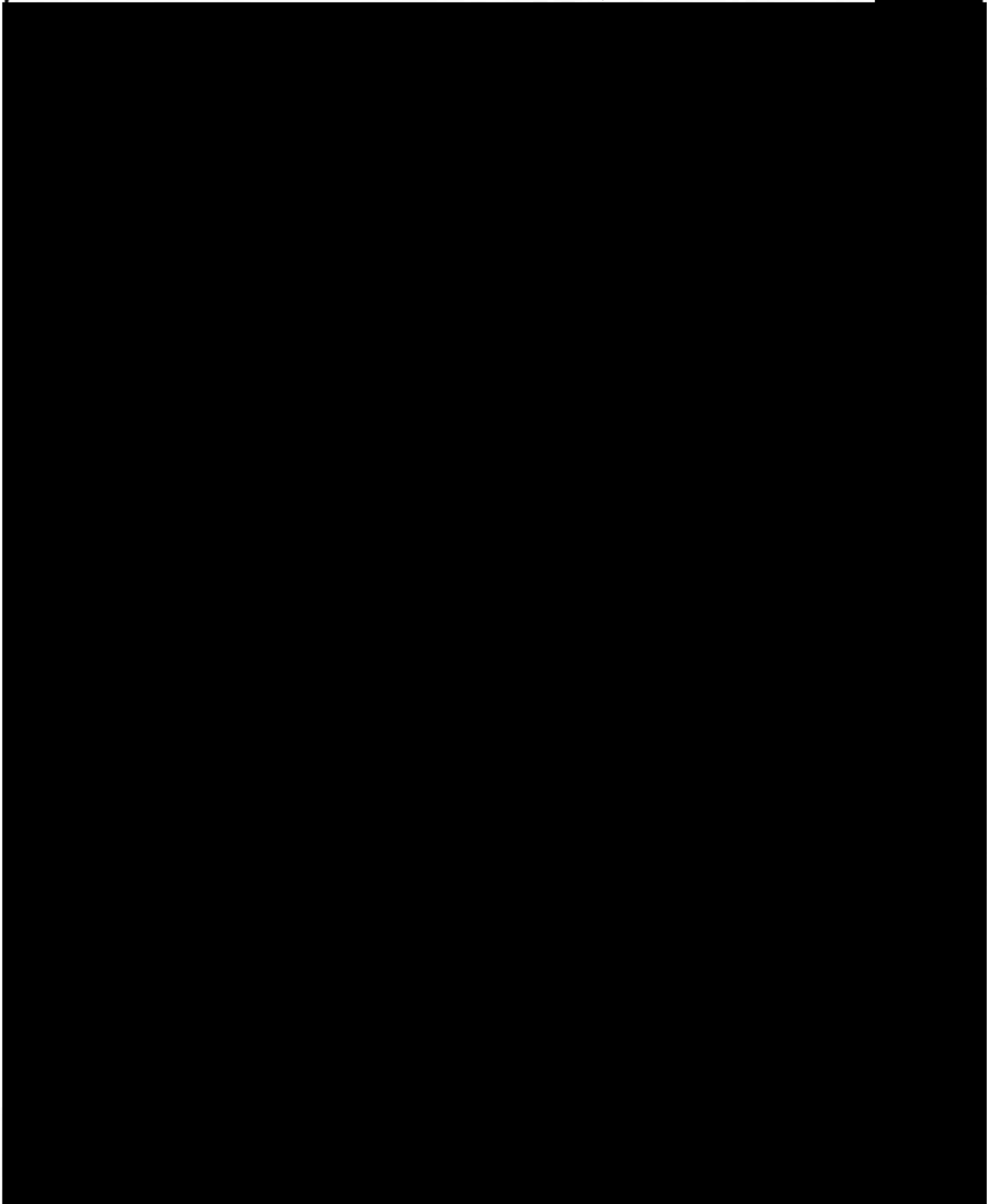
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2025 Federal Summary Depreciation Schedule

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EAST KENTUCKY MIDSTREAM, L.L.C.



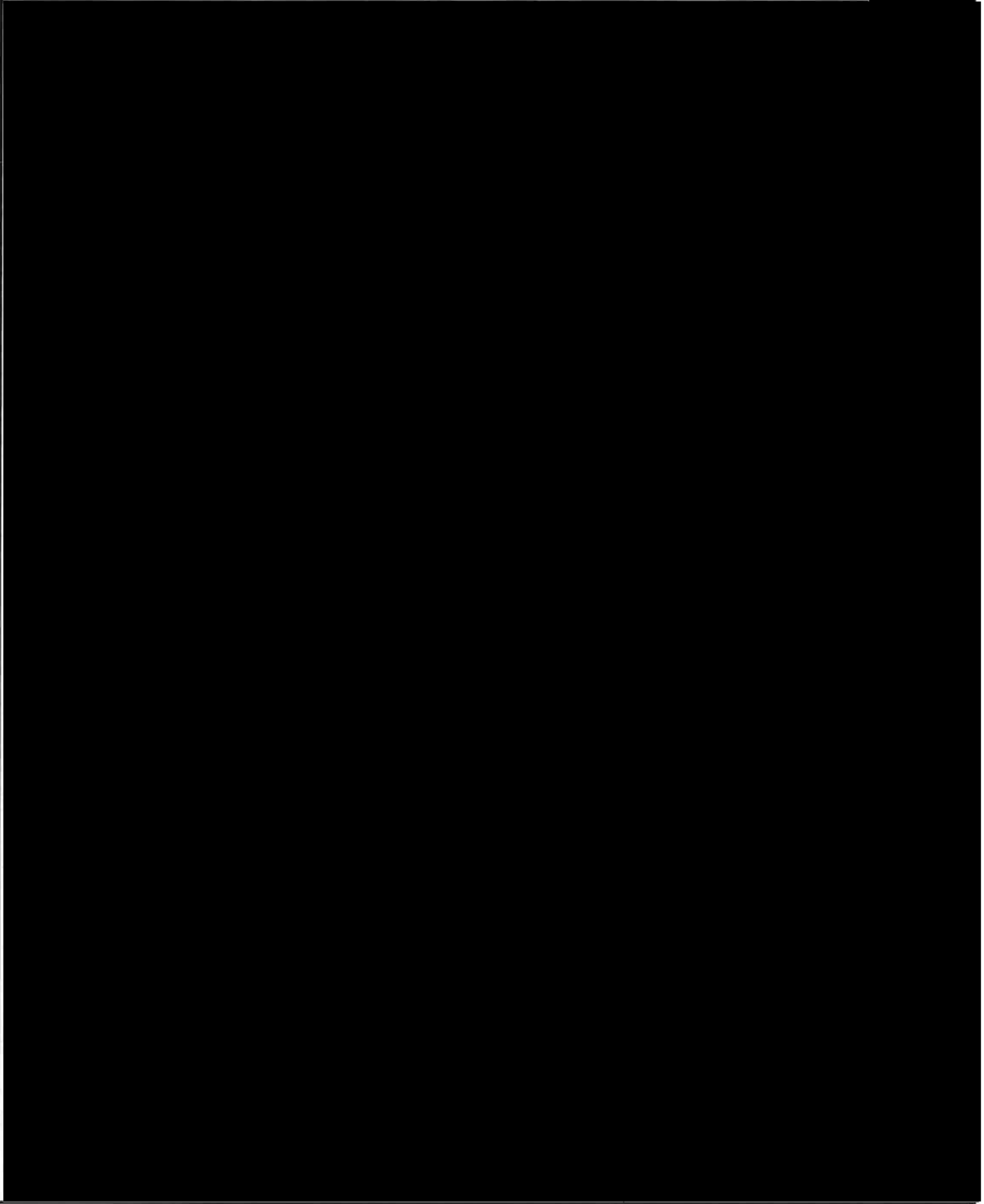
12/31/25

2025 Federal Summary Depreciation Schedule

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EAST KENTUCKY MIDSTREAM, L.L.C.



Employee	1/1/24 rate*	2024 increase			2025 increase		
		date	to	%	date	to	%
Barnett, Tony							
Hollon, Justin							
Kingsmore, Wes							
Parks, Darrell							