

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF)	
JURISDICTIONAL STATUS OF EAST KENTUCKY)	CASE NO.
MIDSTREAM, LLC, AND OF ITS COMPLIANCE)	2022-00238
WITH KRS CHAPTER 278, 807 KAR CHAPTER)	
005, AND 49 CFR PARTS 191 AND 192)	

ORDER

On September 30, 2024, Kentucky Frontier Gas, LLC (Kentucky Frontier) filed a request for a hearing in this matter. On that same date, East Kentucky Midstream, LLC (East Kentucky Midstream) filed a request to submit the matter on the record. In support of its motion, Kentucky Frontier stated that, due to the complex nature of the proceeding and the technical aspects of this case, a hearing would be useful to all parties.¹ East Kentucky Midstream, in support of its request, argued that the Commission had already noted the substantial record when it denied Kentucky Frontier’s request for a hearing early on in the proceeding.² East Kentucky Midstream stated that all the discovery since that time has only served to bolster the substantial record.³

Pursuant to 807 KAR 5:001, Section 9(1), “[u]nless a hearing is not required by statute, is waived by the parties in the case, or is found by the commission to be unnecessary for protection of substantial rights or not in the public interest, the

¹ Kentucky Frontier’s Request for a Hearing (filed Sept. 30, 2024) at 2.

² East Kentucky Midstream’s Request to Submit the Matter on the Record (filed Sept 30, 2024).

³ East Kentucky Midstream’s Request to Submit the Matter on the Record.

commission shall conduct a hearing if . . . [a] request for hearing has been made.” Under KRS 278.020(1)(b), the Commission has discretion to hold a public hearing.

In this case, Kentucky Frontier requested a hearing and even as East Kentucky Midstream pointed out, a hearing was initially denied, the Commission now finds that Kentucky Frontier’s request should be granted. During the pendency of the case and after the denial of a hearing, depositions were held, and the Commission contracted with a consultant to ensure a thorough review of the jurisdictional issue in this matter. It is clear that all parties in this matter have substantial rights as it relates to the issues to be decided in relation to East Kentucky Midstream and as such, a hearing is appropriate.

The Commission notes that, because the consultant created a report which was turned over to the parties pursuant to KRS 278.110(2)(b), the Commission will make available for cross-examination regarding the reports filed into the record, Lindsey Sander, and Dewayne Sims.

IT IS THEREFORE ORDERED that:

1. Kentucky Frontier’s motion is granted.
2. A hearing in this matter shall be held on February 20, 2025, and February 21, 2025, at 9 a.m. Eastern Standard Time and continuing until called from the bench by the presiding officer, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.
3. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

4. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the February 20, 2025, and February 21, 2025 hearing.

5. East Kentucky Midstream and Kentucky Frontier shall each file a witness list at least seven days prior to the hearing date.

6. East Kentucky Midstream shall give notice of the hearing in compliance with 807 KAR 5:001, Section 9(2)(b). In addition, the notice of hearing shall include the following statements: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov" and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time the notice is mailed or publication is requested, East Kentucky Midstream shall forward a duplicate of the notice and request to the Commission.

7. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video transcript shall be made of the hearing.


PUBLIC SERVICE COMMISSION



Chairman



Commissioner

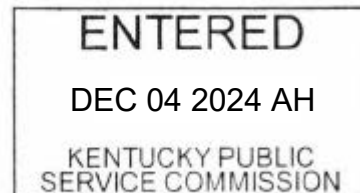


Commissioner

ATTEST:



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