

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 May 9, 2025, East Kentucky Midstream, LLC (EKM) filed a motion to excuse Darrell Parks and substitute any information he may have provided utilizing witness, Jack Banks.<sup>1</sup> According to the motion, Mr. Banks will be in person at the hearing.<sup>2</sup> In support of excusing Mr. Parks, EKM did not provide a specific reason; instead, the motion noted Mr. Parks would not have the technical capability to participate virtually.<sup>3</sup> Additionally, in its motion, EKM reiterated its position that Mike Harris’s appearance would be a conflict of interest.<sup>4</sup> Mike Harris, a former employee of Kentucky Frontier, is now an inspector with the Public Service Commission’s Division of Inspections. Kentucky Frontier requested that the Commission make Mr. Harris available.<sup>5</sup> On May 14, 2025, Kentucky

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<sup>1</sup> Motion to Excuse/Substitute for Darrell Parks and Further Response to Kentucky Frontier’s Request for Michael Harris (Motion to Excuse) (filed May 9, 2025) at 1-2.

<sup>2</sup> Motion to Excuse at 1-2.

<sup>3</sup> Motion to Excuse at 1-2.

<sup>4</sup> Motion to Excuse at 2-3; see Response to Kentucky Frontier Request Relating to Commission Employee Mike Harris (filed May 5, 2025).

<sup>5</sup> Kentucky Frontier’s Witness List (filed Apr. 28, 2025); see also Response to EKM’s Response to Witness List (filed May 6, 2025).

Frontier filed a response to the motion filed on May 9, 2025.<sup>6</sup> Kentucky Frontier objected to the excusal of Mr. Parks and reiterated its request for Mr. Harris to be made available for the hearing.<sup>7</sup>

Having reviewed the motion and the filings related to witnesses, the Commission finds that the motion should be granted, in part and denied, in part. The Commission finds that Mr. Parks may be excused from the hearing. Although the motion did not provide a basis for the request, in this limited circumstance, the Commission will permit another employee to provide information at the hearing. In addition, Mr. Parks did provide sworn testimony in this matter, a deposition, and the Commission expects EKM to respond to any post-hearing requests for information utilizing the sworn statement of Mr. Parks, if necessary. The Commission recognizes Kentucky Frontier's opposition to this request but with this requirement, Kentucky Frontier should be able to request any additional information it may find necessary.

The Commission finds that EKM's request to disallow any testimony from Michael Harris is denied. Mr. Harris has provided testimony in this matter as an employee of Kentucky Frontier. In order to comply with the hearing Order,<sup>8</sup> Kentucky Frontier was to make its witnesses who sponsored testimony available. The Commission will make Mr. Harris available on Monday, May 19, 2025.

IT IS THEREFORE ORDERED that:

1. EKM's motion is granted, in part, and denied, in part.

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<sup>6</sup> 807 KAR 5:001 allows for a 7-day response and 3-day subsequent response period to all motions.

<sup>7</sup> Kentucky Frontier's Response to EKM's motion (filed May 14, 2025).

<sup>8</sup> Order (Ky. PSC Mar. 11, 2025).

2. EKM's motion to excuse Darrell Parks is granted.
3. EKM's request to disallow testimony from Michael Harris is denied.

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PUBLIC SERVICE COMMISSION

  
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Chairman

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Vice Chairman

  
\_\_\_\_\_  
Commissioner

ATTEST:

 RP  
\_\_\_\_\_  
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