

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 11, 2026, East Kentucky Midstream, LLC (East Kentucky Midstream) filed a motion to stay the proceedings in this matter. The Commission, having reviewed the motion, finds that it should be denied as set forth below.

East Kentucky Midstream stated that compliance with certain filing requirements set forth in the final Order¹ and affirmed in the final rehearing Order² in this matter should not be required while the matter is pending appeal.³ These filing requirements included updating East Kentucky Midstream's PHMSA⁴ operator report,⁵ an annual financial report pursuant to 807 KAR 5:006, and to update its tariff sheets. East Kentucky Midstream did not request relief from Ordering paragraph number 8 of the final Order.⁶ In support of its

¹ Order (Ky. PSC Feb. 27, 2026).

² Order (Ky. PSC Apr. 8, 2026).

³ *East Kentucky Midstream, LLC vs. Public Service Commission of Kentucky*, Franklin Circuit Ct., Div. II, Civil Action No. 26-CI-00474 (filed Apr. 27, 2026).

⁴ Pipeline and Hazardous Materials Safety Administration.

⁵ PHMSA Annual 7100 Report.

⁶ East Kentucky Midstream's Motion for Stay Pending Court Review (filed May 11, 2026) (Motion for Stay) at 2.

motion, East Kentucky Midstream argued that it had filed for judicial review of the Commission's Order and "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 . . ."⁷ East Kentucky Midstream went on to state that "[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."⁸

The Commission's final Order and rehearing Order issued in this case found that East Kentucky Midstream operated portions of its system as a natural gas local distribution company and was thus a utility pursuant to KRS 278.010. While the Commission's final Order in this case established several reporting requirements (updating its PHMSAA Annual 7100 Report, filing its annual report with the Commission, and filing new tariff sheets) the purpose of the case was to determine East Kentucky Midstream's jurisdictional status. The reporting requirements flow from the Commission's finding and represent the minimal obligations of a Kentucky utility and is intended to provide ratepayers some modicum of security during this transitory period while recognizing that the transition is ongoing and compliance will take time and effort on East Kentucky Midstream's part.

On the merits of East Kentucky Midstream's other arguments, namely its claim that a stay is warranted because it has filed an appeal in Franklin Circuit Court is unpersuasive. KRS 278.390 clearly states that Commission orders "shall continue in

⁷ Motion for Stay at 2.

⁸ Motion for Stay at 2.

force[. . .] until revoked or modified by the [C]ommission, unless the order is suspended or vacated in whole or in part, by order or decree of a court of competent jurisdiction.” Moreover, while the Commission is not blind to the potential of incurred costs, those concerns are premature because Kentucky utilities are entitled to “demand, collect and receive fair, just and reasonable rates[.]”⁹ Thus, the Commission finds that East Kentucky Midstream’s motion did not establish necessary good cause on which to grant a stay. Accordingly, East Kentucky Midstream should comply with the previous Orders issued in this case within 30 days following service of this Order.

To facilitate East Kentucky Midstream’s compliance with its obligations regarding the utility service portions of its system, the Commission will issue an opening Order in a new case to assist in expediting the administrative transition.

IT IS THEREFORE ORDERED that the motion is denied.

⁹ KRS278.390.

Entered on this 10th day of July, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

by ALT
w/ permission
J

ATTEST:



Linda C. Bridwell, PE
Executive Director

AP

Service List for 2022-00238

* L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

* Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Chris Harshbarger
General Counsel
Sanders Resources
105 Moore Street, Apt 1
, KY 40741

* Dewayne Sims
Director, GIS
Sanders Resources
105 Moore Street, Apt 1
, KY 40741

* Jack Justice
East Kentucky Midstream, LLC
525 George Road
PO Box 565
Betsy Layne, KY 41605

* Honorable Jason R Bentley
Attorney at Law
McBrayer PLLC
201 East Main Street
Suite 900
Lexington, KY 40507

* John Horne
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Katherine Yunker
McBrayer PLLC
201 East Main Street
Suite 900
Lexington, KY 40507

* Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Lindsay Sander
Managing Member
Sanders Resources
710 Colorado
Austin, TX 78701

* J. Michael West
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Steven E Shute
Managing Member
Kentucky Frontier Gas, LLC
2963 Ky Rte 321 North
PO Box 408
Prestonsburg, KY 41653