



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

July 28, 2023

PARTIES OF RECORD

Re: Case No. CASE NO. 2022-00238

Notice is given to all parties that the attached document has been filed into the record of this proceeding.

If you have any comments you would like to make regarding the contents of the document, please do so within five days of receipt of this letter. If you have any questions, please contact Nancy Vinsel, at Nancy.Vinsel@ky.gov.

Sincerely,

A handwritten signature in blue ink that reads "Linda C. Bridwell".

Linda C. Bridwell, PE
Executive Director

Attachment: Document

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<p>COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION</p> <p>In the Matter of: ELECTRONIC INVESTIGATION) OF JURISDICTIONAL STATUS) OF EAST KENTUCKY) MIDSTREAM, LLC, AND OF ITS) Case No. COMPLIANCE WITH KRS) 2022-00238 CHAPTER 278, 807 KAR) CHAPTER 005, AND 49 CFR) PARTS 191 AND 192)</p> <p>VIDEO DEPOSITION OF JACK BANKS</p> <p>On the 22nd day of June, 2023, beginning at approximately 10:02 a.m., at the Carter County Courthouse, 100 East Main Street, Grayson, Kentucky, before me, Jo Ann Betler, Registered Diplomat Reporter and Notary Public, appeared JACK BANKS, Witness, who being by me first duly sworn, gave his oral deposition in the causes pursuant to notice of counsel and for the respective parties as hereinafter set forth.</p>	<p>1 2 APPEARANCES 3 4 ON THE BEHALF OF EAST KENTUCKY MIDSTREAM: 5 6 KATHRYN A. ECKERT, ESQ. 7 McBrayer PLLC 8 201 East Main Street, Suite 900 9 Lexington, Kentucky 40507 10 11 JASON R. BENTLEY, ESQ. 12 McBrayer PLLC 13 201 East Main Street, Suite 900 14 Lexington, Kentucky 40507 15 16 17 ON THE BEHALF OF KENTUCKY FRONTIER: 18 19 L. ALLYSON HONAKER, ESQ. 20 Honaker Law Office, PLLC 21 1795 Alysheba Way, Suite 6202 22 Lexington, Kentucky 40509 23 24 ALSO PRESENT: 25 DEBORAH GREATHOUSE, Video Specialist</p>
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<p>1 2 APPEARANCES 3 4 ON THE BEHALF OF THE PUBLIC SERVICE COMMISSION: 5 6 JESSICA NORRIS CANFIELD, ESQ. 7 Office of the Attorney General 8 Office of Rate 9 700 Capitol Avenue, Suite 20 10 Frankfort, Kentucky 40601-8204 11 12 13 TINA C. FREDERICK, ESQ. 14 Office of the Attorney General 15 Office of Rate 16 700 Capitol Avenue, Suite 20 17 Frankfort, Kentucky 40601-8204 18 19 ALSO PRESENT: 20 21 MIKE NANCE 22 CHRIS BAILEY 23 24 25</p>	<p>1 2 INDEX 3 4 PAGE 5 APPEARANCES 2 6 INDEX 4 7 EXHIBITS 5 8 VIDEO INTRODUCTION 6 9 EXAMINATION BY MS. CANFIELD 7 10 11 COURT REPORTER'S CERTIFICATE 25 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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EXHIBITS (No exhibits were entered into the record.)	1 MS. FREDERICK: It's 10:00 o'clock. 2 If she is here. 3 MS. CANFIELD: She has a right to. 4 MS. FREDERICK: She can forego, but 5 she has a right to. 6 MR. BENTLEY: I think they want you 7 to introduce yourself for the record. 8 MS. HONAKER: I'm Allyson Honaker, 9 Honaker Law Office here with Kentucky Frontier. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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VIDEO INTRODUCTION VIDEO SPECIALIST: We are now on the record. This is the videotaped deposition of Jack Banks. We are beginning at 10:02 a.m., Thursday, the 22nd day of June, 2023, at the Carter County Courthouse in Grayson, Kentucky. The court reporter is Jo Ann Betler. I'm the videographer, Deborah Greathouse. Counsel, please identify yourselves for the record, plaintiff's counsel first, and then the court reporter may swear in the witness. MS. CANFIELD: Jessica Norris Canfield with the Public Service Commission. MS. FREDERICK: Tina Carson Frederick with the Public Service Commission. MS. ECKERT: Kathryn Eckert for East Kentucky Midstream. MR. BENTLEY: Jason Bentley for East Kentucky Midstream. Allyson -- do you want me to grab her? Is she going to sit in on this?	PROCEEDINGS JACK BANKS was thereupon called as a witness and, after having been first duly sworn, testified as follows: * * * EXAMINATION BY MS. CANFIELD: Q. Mr. Banks, could you state your position with East Kentucky Midstream? A. They do not give titles, so it would just be a -- the field manager. Q. Okay. And what does that position entail? A. I -- they tell me what needs to be done and I direct it out to the different guys. Q. Okay. And how many people do you supervise? A. Three. Q. Three? A. Yeah. Q. What are their names? A. Darrell Parks, Justin Holland, and

<p style="text-align: right;">9</p> <p>1 Daniel Sparks. 2 Q. In previous discussions it was 3 stated that East Kentucky Midstream does not own 4 any natural gas producing wells; is that 5 correct? 6 A. That's correct. 7 Q. Okay. What about oil wells? 8 A. East Kentucky Midstream does not 9 own oil wells. 10 Q. Okay. What about any abandoned or 11 nonproducing wells? 12 A. Not that I'm aware of. 13 Q. Okay. And so where does the gas 14 come from that supports East Kentucky Midstream 15 customers? 16 A. From different producers in eastern 17 Kentucky. 18 Q. Okay. And how many producers do 19 you typically work with? 20 A. 20, 25, I guess, 30. I would have 21 to go back and count them up. 22 Q. Okay. And so that -- the gas is 23 purchased from those producers? 24 A. Correct. 25 Q. So when the gas enters your system,</p>	<p style="text-align: right;">11</p> <p>1 think. 2 Q. Is that TC Energy? 3 A. TC Energy, that's correct. 4 Q. And about what volume of gas do you 5 typically purchase from TC Energy in a day? 6 A. It depends on weather. I averaged 7 during the four or five months winter, 1,200 to 8 1,500 dekatherm. 9 Q. At any point are you delivering gas 10 to market for anyone? 11 A. No. 12 Q. So all of the gas running on the 13 system is purchased by East Kentucky Midstream; 14 correct? 15 A. Correct. 16 Q. And then provided for resale? 17 A. Correct. 18 Q. During the conference that we held, 19 house customers were referenced. Could you tell 20 me the meaning of the term "house customer"? 21 A. The meaning -- 22 Q. Um-hum. 23 A. -- of house customer? It's 24 customers purchasing gas from EKM, I guess, or 25 whoever.</p>
<p style="text-align: right;">10</p> <p>1 it is owned by East Kentucky Midstream? 2 A. Correct. 3 Q. Okay. So where is the purchase 4 point for that gas when it comes off of -- from 5 a producer? 6 A. There's a meter next to EKM's 7 gathering line. 8 Q. Okay. And with regard to volume 9 received or gathered from those producers, would 10 you have a rough estimate regarding that? 11 A. Per day? 12 Q. Um-hum. 13 A. 7- to 800 Mcfs. It's going down. 14 Q. It's going down? 15 A. Yeah. 16 Q. What is the cause of that? 17 A. Well, price of gas. 18 Q. Okay. So the gas that you're 19 purchasing from producers, is that enough gas to 20 support your customers throughout the year? 21 A. No. 22 Q. Where else do you purchase gas from 23 to support your customers? 24 A. It's TCO, I guess, or it's -- they 25 changed names, so it's another name now, I</p>	<p style="text-align: right;">12</p> <p>1 Q. Okay. Does that have anything to 2 do with the location of the meter? 3 A. No. 4 Q. With regard to if it's a farm tap 5 or not? 6 A. Well, yeah. If it's a farm tap, 7 it's supposed to be their main line. 8 Q. And if it's a house customer, does 9 that change the location of the meter? 10 A. Not that I'm aware of, no. 11 Q. Are you familiar with the incident 12 of underground facilities damage that occurred 13 at Mine Fork Road in Salyersville in Magoffin 14 County? 15 A. No. 16 Q. Okay. At that point a Kentucky 17 Frontier Gas main line was broken by a bulldozer 18 and it was stated that East Kentucky Midstream 19 was working on a road to reach oil wells. 20 So you're not familiar with that 21 incident? 22 A. That's -- that wasn't East Kentucky 23 Midstream. I've heard about that, but that was 24 Eagle Well Service. We had nothing to do with 25 that.</p>

<p style="text-align: right;">13</p> <p>1 Q. Who is Eagle Well Services? 2 A. They are -- the person that owns 3 Eagle Well is part owner of this company. 4 Q. What is his name? 5 A. Russell Parsons. 6 Q. Are you aware of producers that you 7 purchased gas from on the A-1 line? 8 A. Yeah. 9 Q. About how many people are you 10 purchasing gas from? How many producers do you 11 have on that line? 12 A. A-1? 13 Q. Um-hum. 14 A. I think it was just one producer. 15 Q. Just one. 16 What about A-2? 17 A. Oh, now. Between 5 and 10. I 18 would have to count them all up. 19 Q. That's fine. 20 What about A-3, are there producers 21 on that line? 22 A. Yes. 23 Q. Rough estimate? 24 A. Probably be about the same. 5 to 25 10 or something. Might be a little more on that</p>	<p style="text-align: right;">15</p> <p>1 A. Summertime comes from EKM. 2 Wintertime, the majority would probably come 3 from TC Energy. 4 Q. And that KZ line, who all does that 5 KZ line service? 6 A. Who what? 7 Q. Who does that KZ line service? Who 8 are you selling gas off the KZ line? 9 A. Frontier Gas. West Liberty. And 10 all of the house customers, farm tap customers 11 and house customers. Whoever needs it. It all 12 commingles. 13 Q. And then is Delta also receiving 14 gas off of that line? 15 A. Correct. 16 Q. Okay. And what is the relationship 17 with EKM and Delta? 18 A. There is no relationship. 19 Q. Do you just sell gas to Delta? 20 A. We don't sell gas to Delta. 21 Whenever -- not EKM, but when Jefferson 22 purchased the -- that line, the KZ line, that 23 was part of the deal. I wasn't involved in it. 24 We don't get nothing for that. 25 Q. Are you transporting gas for Delta?</p>
<p style="text-align: right;">14</p> <p>1 one. 2 Q. Okay. What about the J line? Do 3 you have producers on the J line? 4 A. Yes. One. But that's part of 5 Johnson County. 6 Q. Okay. And what about the C line? 7 Are there any producers on the C line? 8 A. Yes. Right at the beginning. 9 Q. About how many? 10 A. That's physically connected to the 11 -- 12 Q. The C line. 13 A. One. 14 Q. Okay. And what about the KZ line? 15 We can break that up between KZ East? 16 A. There's no producers on the KZ 17 line. 18 Q. On KZ East or KZ West? 19 A. Except us. EKM goes into the KZ 20 line. 21 Q. Okay. Right. The other A-1, A-2, 22 all of those. Okay. 23 And so the gas that is on the KZ 24 East and KZ West lines, where does the majority 25 of that gas come from?</p>	<p style="text-align: right;">16</p> <p>1 A. No. Columbia -- that's TC 2 Energy's. 3 Q. So TC Energy is transporting gas to 4 Delta? 5 A. Yeah, I'd say. I don't know 6 nothing about that. 7 Q. Who would know about that? 8 A. Nobody at EKM. It would have to be 9 somebody with TC Energy. 10 Q. Okay. So are they utilizing EKM 11 line in any manner to get gas from TC Energy to 12 Delta? 13 A. Yes, they are. 14 Q. What section of the line are they 15 using to do that? 16 A. They're using five miles of the 17 west end. 18 Q. Of KZ? 19 A. Of KZ East, yes. 20 Q. And just to clarify, TC Energy nor 21 Delta are paying EKM any kind of transmission 22 fee? 23 A. Not that I'm aware of. 24 Q. Okay. And you're not aware of any 25 agreement regarding how that line is utilized to</p>

<p style="text-align: right;">17</p> <p>1 transmit that gas? 2 A. I know there's agreement, but I'm 3 not aware of it. 4 Q. You know there's an agreement, but 5 you're not aware of it; is that what you said? 6 A. Yeah. 7 Q. So TC Energy -- I just want to 8 clarify. TC Energy is using five miles of the 9 KZ line that is owned by East Kentucky Midstream 10 to transmit gas to Delta, but you're not sure 11 what that agreement is or how the line is being 12 used or when it's being used? 13 A. No. I -- I am not sure how it 14 works. 15 Q. Okay. 16 A. I mean, that's for higher up than 17 me. 18 Q. Okay. And who is higher up than 19 you? 20 A. That would be the owners. 21 Q. And the owners are? 22 A. Jack Justice and Russell Parsons. 23 MR. BENTLEY: Can we stop for a 24 second? I might object to that, the way that 25 was phrased.</p>	<p style="text-align: right;">19</p> <p>1 A. Every line's different, so I mean 2 -- 3 Q. Okay. Tell me about the A-1 line. 4 A. I think it's 35 in the winter, 15 5 in the summer. Now, what we changed it to, 6 yeah. 7 Q. Okay. That's what you changed it 8 to; is that what you said? 9 A. Yeah. We change it regularly. 10 Q. What about the A-2 line? 11 A. It ranges from 5 pounds to 40. 12 Q. A-3? 13 A. Probably 40 down to 20, I'd say. 14 Q. The J line? 15 A. The J line, that's a compressor, so 16 that goes from probably 2 pounds up to 40. You 17 know, it can go up and down. 18 Q. Right. And then the C line? 19 A. Summertime, 65. Wintertime, 100 to 20 105. 21 Q. And then the KZ line? 22 A. KZ East -- part of the KZ East is 23 60 pounds and then part of it is 45. 24 Q. And is that all year-round? 25 A. No. 60 pounds goes up and down.</p>
<p style="text-align: right;">18</p> <p>1 Can you read back the way she 2 characterized the -- was it Delta taking gas 3 from TC Energy, is that the way that last 4 question was phrased? 5 (Record read.) 6 MR. BENTLEY: TC Energy using? I 7 think it's -- it's our gas that's sold to -- off 8 that system. 9 THE WITNESS: Our gas in the 10 summertime. 11 MR. BENTLEY: Okay. 12 THE WITNESS: It the wintertime, 13 you know, there's a regulator down there. It 14 just kicks in and out whenever they have to have 15 it. 16 MR. BENTLEY: Okay. We'll let it 17 go. 18 BY MS. CANFIELD: 19 Q. With regard to the East Kentucky 20 Midstream system, what would you say the central 21 point of your system is? 22 A. Hazel Green. 23 Q. Hazel Green. 24 And what is the typical operating 25 pressure of the East Kentucky Midstream system?</p>	<p style="text-align: right;">20</p> <p>1 It'll go from 60 to 105 or 110. You know, it's 2 in that range. And 45 going to West Liberty all 3 the time. 4 Q. All the time? 5 A. (No verbal response; affirmative 6 nod.) 7 Q. Are you familiar with the purchase 8 contract from Jefferson Gas to East Kentucky 9 Midstream, and what was included in that 10 contract for purchase? 11 A. I've looked at some of those, but 12 I'm not real familiar, no. 13 Q. Since the acquisition of Jefferson 14 Gas by East Kentucky Midstream have any 15 additional assets been purchased onto the 16 system? 17 A. Not that I'm aware of right now. 18 It's the same thing. 19 Q. Can you tell me about the function 20 of line A-3 from Royalton to Louisa? 21 A. It gathers gas and brings it -- 22 brings it down to almost Royalton and drops it 23 off into the J line in the summertime. 24 Wintertime it brings it all the way back to 25 Hazel Green.</p>

<p style="text-align: right;">21</p> <p>1 Q. And where does it bring it from? 2 A. All the producers. The ten 3 producers or whatever they are up there. 4 Q. Okay. Are there lines that you're 5 aware of coming off of A-3? 6 A. To -- to other producers or 7 something like that you're saying or what now? 8 The J line is actually hooked up to 9 A-3, but it -- that's the only line that's 10 hooked on to that. 11 Q. Okay. Can you tell me the function 12 of line A-2 from Royalton to Hazel Green? 13 A. It brings gas from producers to 14 Hazel Green. 15 Q. Okay. Are there any lines coming 16 off of A-2? 17 A. At this time I don't know of any. 18 Which, you know, all of the producers is hooked 19 up on it, but that line's coming off. It's got 20 check valves. You can't put gas back into it. 21 Q. Okay. What about line A-1 from 22 Hazel Green to Campton? What is that -- 23 A. They are lines coming off of that 24 one. And they are -- they are lines coming off 25 of it and then feeding house customers.</p>	<p style="text-align: right;">23</p> <p>1 it. 2 Q. Okay. So KZ East's only function 3 is -- 4 A. Well, no, it's two functions. It's 5 one function now. It used to be two functions. 6 It does let gas go to Delta in the summertime. 7 Q. Okay. 8 A. Then in the wintertime it lets gas 9 come from TC Energy back up to our system. 10 Q. You said that it used to have two 11 functions and now it only has one. What was the 12 other function you're referencing? 13 A. We used to sell gas to TC Energy at 14 Jeffersonville, but we don't no more. 15 Q. Are there any other sales points 16 where you're selling gas to another energy 17 company or market? 18 A. On the old Jefferson system? 19 Q. On the current East Kentucky 20 Midstream system. 21 A. See Frontier house customers, West 22 Liberty -- that's all I know of. 23 Q. So is that a no? 24 A. That's a no. 25 MS. CANFIELD: Okay. I think</p>
<p style="text-align: right;">22</p> <p>1 Q. Okay. And beyond Campton, are 2 there any lines? 3 A. Just house customer lines. 4 Q. Okay. Can you tell me about the 5 function of line C from Hazel Green to KZ? 6 A. That gathers gas from A-2, A-3, and 7 A-1 and also the frozen field and pushes it into 8 the KZ line. 9 Q. What is the frozen field? 10 A. That's Troublesome Creek Gas, that 11 Breathitt County production that you asked about 12 there a while ago. 13 Q. And is Troublesome Creek part of 14 the East Kentucky Midstream system? 15 A. No. No, that's a completely 16 different company. 17 Q. Okay. What is the difference 18 between KZ East and KZ West in terms of 19 functionality? 20 A. KZ West has just got house 21 customers only on it. It's just got 17 pounds 22 on it. 23 Q. Okay. What about KZ East? 24 A. We just went over that. I mean, 25 you asked me that. I told you the pressures on</p>	<p style="text-align: right;">24</p> <p>1 that's all of the questions. 2 MR. BENTLEY: Want to take a minute 3 and talk? 4 MS. ECKERT: Can we go off for a 5 minute? 6 VIDEO SPECIALIST: One moment, 7 please. 8 Okay. We are off the record at 9 10:28 a.m. 10 (A recess was taken, after which the 11 proceedings were resumed as follows.) 12 VIDEO SPECIALIST: Okay. We are 13 back on the record at 10:35 a.m. 14 MS. ECKERT: Kathryn Eckert, on 15 behalf of East Kentucky Midstream, we have no 16 questions. 17 VIDEO SPECIALIST: Okay. If there 18 are no objections, we're off the record at 10:35 19 a.m. 20 21 * * * 22 23 24 25</p>

<p style="text-align: right;">25</p> <p>1 CERTIFICATION OF COURT REPORTER AND NOTARY 2 PUBLIC 3 4 I, Jo Ann Betler, Registered 5 Diplomate Reporter and Notary Public within and 6 for the Commonwealth of Kentucky, duly 7 commissioned and qualified, do hereby certify 8 that the foregoing deposition was duly taken by 9 me and before me at the time and place and for 10 the purpose specified in the caption hereof, the 11 said witness having been by me first duly sworn. 12 13 I do further specify that the said 14 deposition was correctly taken by me in 15 Stenotype and that the same was reduced to 16 computer print by me or under my direct 17 supervision. 18 19 I further certify that I am neither 20 attorney or counsel for, nor related to or 21 employed by, any of the parties to the action in 22 which this deposition is taken, and further that 23 I am not a relative or employee of any attorney 24 or counsel employed by the parties hereto, or 25 financially interested in the action.</p>	
<p style="text-align: right;">26</p> <p>1 2 Before completion of the deposition, 3 review of the transcript [] was [X] was not 4 requested. If requested, any changes made by 5 the deponent (and provided to the reporter) 6 during the period allowed are appended hereto. 7 8 Given under my hand this 24th day of 9 June, 2023. 10 11 My Commission expires January 8, 12 2025. 13 14 15 _____ 16 Jo Ann Betler 17 Commission No.: KYNP21 18 19 20 21 22 23 24 25</p>	

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*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 6202
Lexington, KENTUCKY 40509

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

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

*Steven E Shute
Kentucky Frontier
PO Box 408
2963 Ky Rte 321 North
Prestonsburg, KENTUCKY 41653

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

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

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

*Kathryn A Eckert
McBrayer PLLC
201 East Main Street
Suite 900
Lexington, KENTUCKY 40507

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