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

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.Vincel@ky.gov.

Sincerely,

G. Bridwell

Linda C. Bridwell, PE Executive Director

Attachment: Document



Kent A. Chandler Chairman

> Angie Hatton Vice Chairman

Mary Pat Regan Commissioner

_		2, 202	
	1		3
	COMMONWEALTH OF KENTUCKY	1	
	BEFORE THE PUBLIC SERVICE COMMISSION	2	
	DEFORE THE FOLLIC SERVICE COMMISSION		APPEARANCES
	In the Matter of:	3	
	ELECTRONIC INVESTIGATION)	4	ON THE BEHALF OF EAST KENTUCKY MIDSTREAM:
	OF JURISDICTIONAL STATUS)	5	
	,	6	KATHRYN A. ECKERT, ESQ.
	OF EAST KENTUCKY)		
	MIDSTREAM, LLC, AND OF ITS) Case No.	7	McBrayer PLLC
	COMPLIANCE WITH KRS) 2022-00238	8	201 East Main Street, Suite 900
	CHAPTER 278, 807 KAR)	9	Lexington, Kentucky 40507
	CHAPTER 005, AND 49 CFR)	10	
	PARTS 191 AND 192)	11	JASON R. BENTLEY, ESQ.
		12	McBrayer PLLC
	VIDEO DEPOSITION OF JACK BANKS	13	201 East Main Street, Suite 900
		14	Lexington, Kentucky 40507
	On the 22nd day of June, 2023,	15	
1	beginning at approximately 10:02 a.m., at the	16	
	Carter County Courthouse, 100 East Main Street,	· ·	
	Grayson, Kentucky, before me, Jo Ann Betler,	17	ON THE BEHALF OF KENTUCKY FRONTIER:
	Registered Diplomate Reporter and Notary Public,	18	
	appeared JACK BANKS, Witness, who being by me	19	L. ALLYSON HONAKER, ESQ.
	first duly sworn, gave his oral deposition in	20	Honaker Law Office, PLLC
	the causes pursuant to notice of counsel and for	21	,
	the respective parties as hereinafter set forth.		1795 Alysheba Way, Suite 6202
		22	Lexington, Kentucky 40509
		23	
		24	ALSO PRESENT:
		25	DEBORAH GREATHOUSE, Video Specialist
			× •
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1 (Pages 1 to 4)

Jack Banks
June 22, 2023

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

2 (Pages 5 to 8)

	June 2	2, 2023	
	9		11
1	Daniel Sparks.	1	think.
2	Q. In previous discussions it was	2	Q. Is that TC Energy?
3	stated that East Kentucky Midstream does not own	3	A. TC Energy, that's correct.
4	any natural gas producing wells; is that	4	Q. And about what volume of gas do you
5	correct?	5	typically purchase from TC Energy in a day?
6	A. That's correct.	6	A. It depends on weather. I averaged
7	Q. Okay. What about oil wells?	7	during the four or five months winter, 1,200 to
8	A. East Kentucky Midstream does not	8	1,500 dekatherm.
9	own oil wells.	9	Q. At any point are you delivering gas
10	Q. Okay. What about any abandoned or	10	to market for anyone?
11	nonproducing wells?	11	A. No.
12	A. Not that I'm aware of.	12	Q. So all of the gas running on the
13	Q. Okay. And so where does the gas	13	system is purchased by East Kentucky Midstream;
14	come from that supports East Kentucky Midstream	14	correct?
15	customers?	15	A. Correct.
16	A. From different producers in eastern	16	Q. And then provided for resale?
17	Kentucky.	17	A. Correct.
18	Q. Okay. And how many producers do	18	Q. During the conference that we held,
19	you typically work with?	19	house customers were referenced. Could you tell
20	A. 20, 25, I guess, 30. I would have	20	me the meaning of the term "house customer"?
21	to go back and count them up.	21	A. The meaning
22	Q. Okay. And so that the gas is	22	Q. Um-hum.
23	purchased from those producers?	23	A of house customer? It's
24	A. Correct.	24	customers purchasing gas from EKM, I guess, or
25	Q. So when the gas enters your system,	25	whoever.
	10		12
1		1	
2	it is owned by East Kentucky Midstream? A. Correct.	2	Q. Okay. Does that have anything to do with the location of the meter?
3		3	A. No.
4	Q. Okay. So where is the purchase point for that gas when it comes off of from	4	
5	a producer?	5	Q. With regard to if it's a farm tap or not?
6	A. There's a meter next to EKM's	6	A. Well, yeah. If it's a farm tap,
7	gathering line.	7	it's supposed to be their main line.
8	Q. Okay. And with regard to volume	8	Q. And if it's a house customer, does
9	received or gathered from those producers, would	9	that change the location of the meter?
10	you have a rough estimate regarding that?	10	A. Not that I'm aware of, no.
11	A. Per day?	11	Q. Are you familiar with the incident
12	Q. Um-hum.	12	of underground facilities damage that occurred
13	A. 7- to 800 Mcfs. It's going down.	13	at Mine Fork Road in Salyersville in Magoffin
14	Q. It's going down?	14	County?
15	A. Yeah.	15	A. No.
16	Q. What is the cause of that?	16	Q. Okay. At that point a Kentucky
17	A. Well, price of gas.	17	Frontier Gas main line was broken by a bulldozer
18	Q. Okay. So the gas that you're	18	and it was stated that East Kentucky Midstream
19	purchasing from producers, is that enough gas to	19	was working on a road to reach oil wells.
20	support your customers throughout the year?	20	So you're not familiar with that
20	A. No.	21	incident?
22	Q. Where else do you purchase gas from	22	A. That's that wasn't East Kentucky
22	to support your customers?	23	Midstream. I've heard about that, but that was
23	A. It's TCO, I guess, or it's they	23	Eagle Well Service. We had nothing to do with
24	changed names, so it's another name now, I	25	that.
6.5	enanged names, so it's about halle how, i		that.
		1	

3 (Pages 9 to 12)

	June 22	2, 2023	
	13		15
1	Q. Who is Eagle Well Services?	1	A. Summertime comes from EKM.
2	A. They are the person that owns	2	Wintertime, the majority would probably come
3	Eagle Well is part owner of this company.	3	from TC Energy.
4	Q. What is his name?	4	Q. And that KZ line, who all does that
5	A. Russell Parsons.	5	KZ line service?
6	Q. Are you aware of producers that you	6	A. Who what?
7	purchased gas from on the A-1 line?	7	O. Who does that KZ line service? Who
8	A. Yeah.	8	are you selling gas off the KZ line?
9	Q. About how many people are you	9	A. Frontier Gas. West Liberty. And
10	purchasing gas from? How many producers do you	10	all of the house customers, farm tap customers
11	have on that line?	11	and house customers. Whoever needs it. It all
12	A. A-1?	12	commingles.
13	Q. Um-hum.	13	Q. And then is Delta also receiving
14	A. I think it was just one producer.	14	gas off of that line?
15	Q. Just one.	15	A. Correct.
16	What about A-2?	16	Q. Okay. And what is the relationship
17	A. Oh, now. Between 5 and 10. I	17	with EKM and Delta?
18	would have to count them all up.	18	A. There is no relationship.
19	Q. That's fine.	19	Q. Do you just sell gas to Delta?
20	What about A-3, are there producers	20	A. We don't sell gas to Delta.
21	on that line?	21	Whenever not EKM, but when Jefferson
22	A. Yes.	22	purchased the that line, the KZ line, that
23	Q. Rough estimate?	23	was part of the deal. I wasn't involved in it.
24	A. Probably be about the same. 5 to	24	We don't get nothing for that.
25	10 or something. Might be a little more on that	25	Q. Are you transporting gas for Delta?
	14		16
1	14 one.	1	16 A. No. Columbia that's TC
1 2		1 2	
	one.		A. No. Columbia that's TC
2	one. Q. Okay. What about the J line? Do	2	A. No. Columbia that's TC Energy's.
2 3	one. Q. Okay. What about the J line? Do you have producers on the J line?	2 3 4 5	A. No. Columbia that's TCEnergy's.Q. So TC Energy is transporting gas to
2 3 4	one. Q. Okay. What about the J line? Do you have producers on the J line? A. Yes. One. But that's part of Johnson County. Q. Okay. And what about the C line?	2 3 4	A. No. Columbia that's TCEnergy's.Q. So TC Energy is transporting gas toDelta?
2 3 4 5 6 7	one. Q. Okay. What about the J line? Do you have producers on the J line? A. Yes. One. But that's part of Johnson County. Q. Okay. And what about the C line? Are there any producers on the C line?	2 3 4 5 6 7	 A. No. Columbia that's TC Energy's. Q. So TC Energy is transporting gas to Delta? A. Yeah, I'd say. I don't know nothing about that. Q. Who would know about that?
2 3 4 5 6 7 8	one. Q. Okay. What about the J line? Do you have producers on the J line? A. Yes. One. But that's part of Johnson County. Q. Okay. And what about the C line? Are there any producers on the C line? A. Yes. Right at the beginning.	2 3 4 5 6 7 8	 A. No. Columbia that's TC Energy's. Q. So TC Energy is transporting gas to Delta? A. Yeah, I'd say. I don't know nothing about that. Q. Who would know about that? A. Nobody at EKM. It would have to be
2 3 4 5 6 7 8 9	one. Q. Okay. What about the J line? Do you have producers on the J line? A. Yes. One. But that's part of Johnson County. Q. Okay. And what about the C line? Are there any producers on the C line? A. Yes. Right at the beginning. Q. About how many?	2 3 4 5 6 7 8 9	 A. No. Columbia that's TC Energy's. Q. So TC Energy is transporting gas to Delta? A. Yeah, I'd say. I don't know nothing about that. Q. Who would know about that? A. Nobody at EKM. It would have to be somebody with TC Energy.
2 3 4 5 6 7 8 9 10	one. Q. Okay. What about the J line? Do you have producers on the J line? A. Yes. One. But that's part of Johnson County. Q. Okay. And what about the C line? Are there any producers on the C line? A. Yes. Right at the beginning.	2 3 4 5 7 8 9 10	 A. No. Columbia that's TC Energy's. Q. So TC Energy is transporting gas to Delta? A. Yeah, I'd say. I don't know nothing about that. Q. Who would know about that? A. Nobody at EKM. It would have to be somebody with TC Energy. Q. Okay. So are they utilizing EKM
2 3 4 5 6 7 8 9 10 11	 one. Q. Okay. What about the J line? Do you have producers on the J line? A. Yes. One. But that's part of Johnson County. Q. Okay. And what about the C line? Are there any producers on the C line? A. Yes. Right at the beginning. Q. About how many? A. That's physically connected to the 	2 3 4 5 6 7 8 9 10 11	 A. No. Columbia that's TC Energy's. Q. So TC Energy is transporting gas to Delta? A. Yeah, I'd say. I don't know nothing about that. Q. Who would know about that? A. Nobody at EKM. It would have to be somebody with TC Energy. Q. Okay. So are they utilizing EKM line in any manner to get gas from TC Energy to
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4 (Pages 13 to 16)

	June 2	2, 2023)
	17		19
1	transmit that gas?	1	A. Every line's different, so I mean
2	A. I know there's agreement, but I'm	2	
3	not aware of it.	3	Q. Okay. Tell me about the A-1 line.
4	Q. You know there's an agreement, but	4	A. I think it's 35 in the winter, 15
5	you're not aware of it; is that what you said?	5	in the summer. Now, what we changed it to,
6	A. Yeah.	6	yeah.
7	Q. So TC Energy I just want to	7	Q. Okay. That's what you changed it
8	clarify. TC Energy is using five miles of the	8	to; is that what you said?
9	KZ line that is owned by East Kentucky Midstream	9	A. Yeah. We change it regularly.
10	to transmit gas to Delta, but you're not sure	10	Q. What about the A-2 line?
11	what that agreement is or how the line is being	11	A. It ranges from 5 pounds to 40.
12	used or when it's being used?	12	Q. A-3?
13	A. No. I I am not sure how it	13	A. Probably 40 down to 20, I'd say.
14	works.	14	Q. The J line?
15	Q. Okay.	15	A. The J line, that's a compressor, so
16	A. I mean, that's for higher up than	16	that goes from probably 2 pounds up to 40. You
17	me.	17	know, it can go up and down.
18	Q. Okay. And who is higher up than	18	Q. Right. And then the C line?
19	you?	19	A. Summertime, 65. Wintertime, 100 to
20	A. That would be the owners.	20	
21	Q. And the owners are?	21	Q. And then the KZ line?
22 23	A. Jack Justice and Russell Parsons.	22	A. KZ East part of the KZ East is
23	MR. BENTLEY: Can we stop for a	23 24	60 pounds and then part of it is 45.
24	second? I might object to that, the way that was phrased.	24	Q. And is that all year-round?A. No. 60 pounds goes up and down.
25	was pillaseu.	2.5	A. No. 00 pounds goes up and down.
	18		20
1	-	1	
1 2	Can you read back the way she	1 2	It'll go from 60 to 105 or 110. You know, it's
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5 (Pages 17 to 20)

	June 2	2, 2023	
	21		23
1		1	it.
2	Q. And where does it bring it from?A. All the producers. The ten	2	Q. Okay. So KZ East's only function
3	producers or whatever they are up there.	3	is
4	Q. Okay. Are there lines that you're	4	A. Well, no, it's two functions. It's
5	aware of coming off of A-3?	5	one function now. It used to be two functions.
6	A. To to other producers or	6	It does let gas go to Delta in the summertime.
7	something like that you're saying or what now?	7	Q. Okay.
8	The J line is actually hooked up to	8	A. Then in the wintertime it lets gas
9	A-3, but it that's the only line that's	9	come from TC Energy back up to our system.
10	hooked on to that.	10	Q. You said that it used to have two
11	Q. Okay. Can you tell me the function	11	functions and now it only has one. What was the
12	of line A-2 from Royalton to Hazel Green?	12	other function you're referencing?
13	A. It brings gas from producers to	13	A. We used to sell gas to TC Energy at
14	Hazel Green.	14	Jeffersonville, but we don't no more.
15	Q. Okay. Are there any lines coming	15	Q. Are there any other sales points
16	off of A-2?	16	where you're selling gas to another energy
17	A. At this time I don't know of any.	17	company or market?
18	Which, you know, all of the producers is hooked	18	A. On the old Jefferson system?
19	up on it, but that line's coming off. It's got	19	Q. On the current East Kentucky
20	check valves. You can't put gas back into it.	20	Midstream system.
21	Q. Okay. What about line A-1 from	21	A. See Frontier house customers, West
22	Hazel Green to Campton? What is that	22	Liberty that's all I know of.
23	A. They are lines coming off of that	23	Q. So is that a no?
24	one. And they are they are lines coming off	24	A. That's a no.
25	of it and then feeding house customers.	25	MS. CANFIELD: Okay. I think
	22		24
	22		24
1	Q. Okay. And beyond Campton, are	1	that's all of the questions.
2	Q. Okay. And beyond Campton, are there any lines?	2	that's all of the questions. MR. BENTLEY: Want to take a minute
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6 (Pages 21 to 24)

	June 22	2, 2023
	25	
1	CERTIFICATION OF COURT REPORTER AND NOTARY	
2	PUBLIC	
3	FUBLIC	
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	sad whiless having been by he hist daily swoni.	
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.	
	26	
1		
2 3	Before completion of the deposition,	
4	review of the transcript [] was [X] was not requested. If requested, any changes made by	
5	the deponent (and provided to the reporter)	
6	during the period allowed are appended hereto.	
7	during the period and wed the uppended hereto.	
8	Given under my hand this 24th day of	
9	June, 2023.	
10		
11	My Commission expires January 8,	
12	2025.	
13		
14		
15		
	Jo Ann Betler	
16		
17 10	Commission No.: KYNP21	
18 19		
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