

**RECEIVED**

**JAN 22 2026**

**PUBLIC SERVICE  
COMMISSION**

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION  
CASE NO. 2025-0042

IN THE MATTER OF:

ELECTRONIC APPLICATION OF KENTUCKY FRONTIER GAS, LLC FOR  
DECLARITORY ORDER ON FREE GAS

---

**RESPONSE TO MOTION TO SUBMIT**

---

Comes now Coty Brown, Lindsey Brown, Linda Sue Brown, Ryan Allen, Kathy Howard, Ricki Carty and Chrystal Shawn Risner, by counsel and for their Response to the Motion to Submit filed by Ky. Frontier Gas, LLC for a Declaratory Order on Free Gas states that the action may now be moot because of the action filed by Coty Brown, Lindsey Brown, Linda Sue Brown, Ryan Allen, Kathy Howard, Ricki Carty and Chrystal Shawn Risner in Magoffin Circuit Court styled Commonwealth of Kentucky, Magoffin Circuit Court, CA No. 26-CI-00030 Coty Brown, Lindsey Brown, Linda Sue Brown, Ryan Allen, Kathy Howard, Ricki Carty and Chrystal Shawn Risner v. Kentucky Frontier Gas, LLC which is attached and specifically addresses the issue of compensation for the Right of Way for the gas pipeline secured by Kentucky Frontier Gas LLC's predecessor in title BTU Gas Company, Inc.

If the Kentucky Public Service Commission wishes to consider the previous consideration of free gas for the pipeline right of ways, Coty Brown, Lindsey Brown, Linda Sue Brown, Ryan Allen, Kathy Howard, Ricki Carty and Chrystal Shawn Risner request that a hearing be held.

WHEREFORE, on the basis of the foregoing, Coty Brown, Lindsey Brown, Linda Sue Brown, Ryan Allen, Kathy Howard, Ricki Carty and Chrystal Shawn Risner moves for this action

to be put on hold pending the outcome of the action they filed in Magoffin Circuit Court or in the alternative that the Commission conduct a Hearing.

/s/ John C. Collins

HON. JOHN C. COLLINS  
ATTORNEY AT LAW  
132 WEST MAPLE STREET  
PO BOX 475  
SALYERSVILLE, KY 41465

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing has been mailed, postage prepaid, or electronically sent to the following on this the 22<sup>nd</sup> day of January, 2026:

Hon. L. Allyson Honaker  
Honaker Law Office  
1795 Alysheba Way  
Suite 1203  
Lexington, Ky. 40509

Ms. Linda C. Bridwell, P.E.  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Ky. 40602

/s/ John C. Collins

HON. JOHN C. COLLINS

COMMONWEALTH OF KENTUCKY  
MAGOFFIN CIRCUIT COURT  
C. A. NO. 26-CI-\_\_\_\_\_

COTY BROWN and LINDSEY BROWN;  
LINDA SUE BROWN; RYAN ALLEN, KATHY HOWARD;  
RICKI CARTY; CHRYSTAL SHAWN RISNER

PLAINTIFFS

VS.

**COMPLAINT**

KENTUCKY FRONTIER GAS, LLC

DEFENDANTS

Serve: Kimberly R. Crisp  
2963 Ky. Rt. 321 North  
Prestonsburg, KY 41653

\*\*\*\*\*

Comes now the Plaintiffs, by Counsel, and for their cause of action states as follows:

**PARTIES, VENUE AND JURISDICTION**

- 1) The Plaintiffs, Coty Brown and his wife, Lindsey Brown, reside at 3073 Long Creek Road, Salyersville, Kentucky 41465.
- 2) The Plaintiff, Linda Sue Brown, resides at 59 Irvine Allen Cem., Salyersville, Kentucky 41465.
- 3) The Plaintiff, Ryan Allen, resides at 12565 SE Licking River Road, Salyersville, Kentucky 41465.
- 4) The Plaintiff, Kathy Howard, resides at 12565 SE Licking River Road, Salyersville, Kentucky 41465.

- 5) The Plaintiff, Ricky Carty, resides at 204 Strip Mine Road, Salyersville, Kentucky 41465.
- 6) The Plaintiff, Chrystal Shawn Risner, resides at 204 Strip Mine Rd., Salyersville, Ky. 41465.
- 7) The Defendant, Kentucky Frontier Gas, LLC, is a Kentucky Limited Liability Company whose address is 1795 Alysheba Way, Suite 1203, Lexington, Kentucky 40509 and their agent for service of process is Kimberly R. Crisp, 2963 Ky. Rt. 321 North, Prestonsburg, Kentucky 41653.
- 8) This action involves natural gas pipeline right-of-ways issued by Plaintiffs' predecessors in title to BTU Gas Company, Inc. over property now owned by Plaintiffs for which they are no longer receiving the consideration set forth in the Right-of-Way Agreements and Subsequent Agreements which are attached hereto and incorporated herein as Plaintiffs' Exhibit A.
- 9) The Defendant, Kentucky Frontier Gas, LLC is a corporation, and purchased the assets of BTU Gas Company, Inc which filed for bankruptcy on July 13, 2012.
- 10) This Court has both jurisdiction and venue as the natural gas line right-of-way agreements and easements which are the subject of this action are located on properties within Magoffin County, Kentucky.

#### CAUSE OF ACTION

11) The Defendant, Kentucky Frontier Gas, LLC, has refused to pay the consideration for natural gas pipeline easements and right-of-ways over the Plaintiffs' properties owed to Plaintiffs through easements and right-of-way agreements conveyed to BTU Gas Company, Inc. which sums exceed the minimum jurisdictional limits of this Court.

12) In the alternative, Plaintiffs request Orders and Judgment of this Court that the Defendant pay to them the difference in the fair market value of their property before and after the construction of the natural gas pipeline over their property by BTU Gas Company , Inc which sums exceed the

minimum jurisdictional limits of this Court.

WHEREFORE, Plaintiffs demand as follows:

- a) Judgment against the Defendants in sums exceeding the minimum jurisdictional limits of this Court as set forth above in Paragraphs 11 and/or 12;
- b) Pre-Judgment interest on the amounts owed;
- c) Plaintiffs' attorney fees and their costs herein expended;
- d) Trial by Jury;
- e) Any and all other relief to which the Plaintiffs are justly and properly entitled.

/s/ John C. Collins

HON. JOHN C. COLLINS  
ATTORNEY AT LAW  
132 WEST MAPLE STREET  
PO BOX 475  
SALYERSVILLE, KY 41465

**BTU GAS COMPANY  
RIGHT OF WAY EASEMENT AGREEMENT**

For and in consideration of one (1) residential free tap and gas (for a total of two (2) residential dwellings with gas; this includes the one residential dwelling from the lease) and other good and valuable consideration the receipt of which is hereby acknowledged, the undersigned, Irvin Allen Jr. and Ethel Allen, their successors, heirs, and assigns do hereby grant to BTU GAS COMPANY, INC. its licensees, successors, and assigns (hereinafter referred to as Grantee), a right of way and easement agreement to construct, operate, maintain, add/or remove such lines or related services as the Grantee may require from time to time consisting of

A. Buried wires, markers, steel and plastic pipe upon, over and under a strip of land being a twenty (20) foot working right of way, being a ten (10) feet wide permanent easement with the right of ingress and egress across the following lands in Magoffin County, State of Kentucky, described as follows:

Deed Book 170 Page number 342-344 and to the fullest extent the undersigned has the power to grant, if at all, along and under the roads, streets, or highways adjoining or through said property.

The following rights are also granted: ingress and egress to said easement at all times to clear the easement and keep it cleared of all trees, undergrowth or other obstructions; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement which might interfere with or fall upon the right of ways. And the right to relocate said facilities on said lands to conform to any future highway relocation, widening or improvements.

To have and to hold the above granted easement unto BTU GAS COMPANY, its successors and assigns forever and in perpetuity.

Grantor(s) warrant(s) that he/she/they/ are the true owner (s) of record of the above described land on which the aforesaid easement is granted.

In witness whereof, the undersigned has/have caused this instrument to be executed on the 6th day of September 2005.

Witness: Charles Brown Owner: Irvin Allen Jr.  
Witness: \_\_\_\_\_ Owner: Ethel Allen

## STATE OF KENTUCKY

## COUNTY OF MAGOFFIN

Personally came before me Irvin Allen Jr. and Ethel Allen to be the owner(s) who executed this instrument and acknowledged the same.

This 12 day of September 2005

John R. Anderson K. Long  
Notary Public

My commission expires April 29, 2007

STATE OF KENTUCKY  
MAGOFFIN COUNTY

I, Holden B. Arnett, Clerk of the County and State aforesaid certify that the foregoing Recd was on the 5th day of May 2006, lodged for record, whereupon the same with the foregoing and this certificate have been duly recorded in my office. Given under my hand, this 10th day of May 2006  
Book 186 Page 97 Holden B. ARNETT Clerk  
Time A.M. 3:45 P.M. By Lee Bailey D.C.

This instrument prepared by:

Sam Williams

701ECC75-187B-4BE3-A6FB-D50F7F3F07AF : 000005 of 000005

Presiding Judge: HON. KIMBERLY CHILDERS (636228)

EXH : 000002 of 000004

8b

BK 186

P 86

BTU GAS COMPANY  
RIGHT OF WAY EASEMENT AGREEMENT

For and in consideration of One hundred dollars (\$100.00) and other good and valuable consideration the receipt of which is hereby acknowledged, the undersigned, Edward Gilipin, his successors, heirs, and assigns do hereby grant to BTU GAS COMPANY, INC. its licensees, successors, and assigns (hereinafter referred to as Grantee), a right of way and easement agreement to construct, operate, maintain, add/or remove such lines or related services as the Grantee may require from time to time consisting of

A. Buried wires, markers, steel and plastic pipe upon, over and under a strip of land being a twenty (20) foot working right of way, being a ten (10) feet wide permanent easement with the right of ingress and egress across the following lands in Magoffin County, State of Kentucky, described as follows:

Deed Book 117 Page number 365 and to the fullest extent the undersigned has the power to grant, if at all, along and under the roads, streets, or highways adjoining or through said property.

The following rights are also granted: ingress and egress to said easement at all times to clear the easement and keep it cleared of all trees, undergrowth or other obstructions; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement which might interfere with or fall upon the right of ways. And the right to relocate said facilities on said lands to conform to any future highway relocation, widening or improvements.

To have and to hold the above granted easement unto BTU GAS COMPANY, its successors and assigns forever and in perpetuity.

Grantor(s) warrant(s) that he/she/they are the true owner(s) of record of the above described land on which the aforesaid easement is granted.

In witness whereof, the undersigned has/have caused this instrument to be executed on the 24<sup>th</sup> day of August 2005.

Witness: Chris Stone

Owner: EDWARD GILPIN

Witness: Chris Stone

Owner: Edward Gilpin

STATE OF KENTUCKY

COUNTY OF MAGOFFIN

Personally came before me Edward Gilpin to be the owner(s) who executed this instrument and acknowledged the same.

This 24<sup>th</sup> day of August 2005

Stephanie Chudleigh Stone  
Notary Public

My commission expires: 1-30-2008

This instrument prepared by:

Jim Williams

STATE OF KENTUCKY  
MAGOFFIN COUNTY

I, Renee Arnett-Shepherd, Clerk of the County and State aforesaid certify that the foregoing Recd was on the 5<sup>th</sup> day of May 2005 lodged for record, whereupon the same with the foregoing and this certificate have been duly recorded in my office.

Given under my hand, this 10<sup>th</sup> day of May 2006  
Book 186, Page 86 RENE ARNETT-SHEPHERD  
Time A.M. 3:45 P.M. By Michele Spurlock