

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                         |   |            |
|-----------------------------------------|---|------------|
| ELECTRONIC INVESTIGATION INTO THE RATES | ) | CASE NO.   |
| AND SERVICES OF EAST KENTUCKY           | ) | 2026-00121 |
| MIDSTREAM, LLC                          | ) |            |

ORDER

The Commission, as set forth in the rehearing Order in Case No. 2022-00238,<sup>1</sup> opens this investigation into the rates and services of East Kentucky Midstream, LLC (East Kentucky Midstream). On February 27, 2026, the Commission found East Kentucky Midstream to be a jurisdictional utility pursuant to KRS 278.010(3) and KRS 278.040.<sup>2</sup> During the pendency of Case No. 2022-00238, East Kentucky Midstream filed an application for approval of farm tap gas rates and services pursuant to KRS 278.485 and 807 KAR 5:026.<sup>3</sup> The Commission issued an Order approving rates<sup>4</sup> and accepted the tariff.<sup>5</sup> Following the Commission's final Order in Case No. 2022-00238, East Kentucky Midstream was ordered to file a tariff setting forth new rates and services based on the

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<sup>1</sup> Case No. 2022-00238 *Electronic Investigation of Jurisdictional Status of East Kentucky Midstream, LLC, and of Its Compliance with KRS Chapter 278, 807 KAR Chapter 005, and 49 CFR Parts 191 and 192* (Ky. PSC Feb. 27, 2026) Order; rehearing denied Apr. 8, 2026, Order at 6-7.

<sup>2</sup> Case No. 2022-00238, Feb. 27, 2026 Order at 25.

<sup>3</sup> Case No. 2023-00112 *Electronic Application of East Kentucky Midstream, LLC for Approval of a Proposed Tariff Under 807 KAR 5:026, Section 9* (filed May 31, 2023).

<sup>4</sup> Case No. 2023-00112, May 20, 2024 Order at 10 and Appendix.

<sup>5</sup> Case No. 2023-00112, May 20, 2024 Order at 11, ordering paragraph 3.

finding that it was a jurisdictional utility.<sup>6</sup> As of the date of this Order, East Kentucky Midstream has only a farm tap tariff on file with the Commission.<sup>7</sup>

The Commission initiates this investigation to proactively investigate the reasonableness of the rates and services of East Kentucky Midstream as a jurisdictional utility. KRS 278.030 reads, in part, as follows:

- (1) Every utility may demand, collect and receive fair, just and reasonable rates for the services rendered or to be rendered by it to any person.
- (2) Every utility shall furnish adequate, efficient and reasonable service, and may establish reasonable rules governing the conduct of its business and the conditions under which it shall be required to render service.
- (3) Every utility may employ in the conduct of its business suitable and reasonable classifications of its service, patrons and rates. The classifications may, in any proper case, take into account the nature of the use, the quality used, the quantity used, the time when used, the purpose for which used, and any other reasonable consideration.

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Additionally, KRS 278.040(3)<sup>8</sup> enables the Commission to investigate the rates and services of a utility and KRS 278.260 gives the Commission authority to preside over complaints regarding rates and services.

The Commission notes that, in the rehearing Order, East Kentucky Midstream was ordered to file new tariffs no later than May 15, 2026.<sup>9</sup> Based on that language, the Commission is attaching a procedural schedule to this Order as an Appendix. The

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<sup>6</sup> Case No. 2022-00238, Feb. 27, 2026 Order at 25.

<sup>7</sup> East Kentucky Midstream did file a Motion to Hold in Abeyance in Case No. 2022-00238. On July 10, 2026, the Commission denied that request.

<sup>8</sup> KRS 278.040(3) reads as follows “[t]he commission may adopt, in keeping with KRS Chapter 13A, reasonable regulations to implement the provisions of KRS Chapter 278 and investigate the methods and practices of utilities to require them to conform to the laws of this state, and to all reasonable rules, regulations and orders of the commission not contrary to law.”

<sup>9</sup> Case No. 2022-00238, Apr. 8, 2026 Order at 7.

Commission finds that an Informal Conference on July 21, 2026, at 9 a.m. Eastern Daylight Time should be held to facilitate communications between East Kentucky Midstream and the Division of Inspections. The informal conference should be in-person with a virtual option and Commission Staff should reach out to all parties with a link. The Commission acknowledges that the procedural schedule may need to be amended but wants to ensure timely and orderly processing of this case.

The Commission directs the Executive Director to serve this Order by mail upon all parties<sup>10</sup> to Case No. 2022-00238, as this investigation is part of the Commission's finding in that case.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed.

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<sup>10</sup> The Attorney General and Kentucky Frontier Gas Company.

2. East Kentucky Midstream shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

3. The Executive Director shall mail a copy of this Order to Kentucky Frontier Gas Company and the Attorney General.

4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>11</sup> regarding filings with the Commission.

5. As set forth in 807 KAR 5:001, Section 4(11), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility

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<sup>11</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

service consumed by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

6. Any motion to intervene filed after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

7. East Kentucky Midstream shall give notice of a hearing, should one be held, in compliance with 807 KAR 5:001, Section 9(2)(b). In addition, the notice of hearing shall include the following statements: "This hearing will be streamed live and may be viewed by connecting to the YouTube link posted on the PSC website, [psc.ky.gov](http://psc.ky.gov), on the day of the hearing" and "Public comments may be made at the beginning of the hearing. Those wishing to provide public comments may do so by arriving at 211 Sower Boulevard, Frankfort, Kentucky, before the start of the hearing." At the time the notice is mailed or publication is requested, East Kentucky Midstream shall forward a duplicate of the notice and request to the Commission.

8. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

9. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

10. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

11. All parties to the case shall file a witness list at least seven days prior to the hearing date.

12. Commission Staff shall ensure all parties have a link to the informal conference.

13. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

14. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

15. The Commission does not look favorably upon motions to substitute witnesses or excuse witnesses from testifying at Commission hearings. Accordingly, motions to substitute witnesses or excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing at least 14 days prior to the hearing and will be granted only upon a showing of good cause.

Entered on this 14th day of July, 2026.

PUBLIC SERVICE COMMISSION

*Signed  
w/permission*

*Angie Hatton*

Angie Hatton  
Chair

*Mary Pat Regan*

Mary Pat Regan  
Vice Chair

*Andrew W. Wood*

Andrew W. Wood  
Commissioner

*Barry L. Mayfield*

Barry L. Mayfield  
Commissioner

ATTEST:

*Linda C. Bridwell RP*

Linda C. Bridwell, PE  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2026-00121 DATED JUL 14 2026

Last day for intervention requests to be accepted..... 07/17/2026

Informal Conference..... 07/21/2026

All initial requests for information to East Kentucky Midstream  
shall be filed no later than ..... 08/07/2026

East Kentucky Midstream shall file responses to initial requests for  
information no later than..... 08/21/2026

All supplemental requests for information to East Kentucky Midstream  
shall be filed no later than ..... 09/04/2026

East Kentucky Midstream shall file responses to supplemental requests  
for information no later than ..... 09/18/2026



## Service List for 2026-00121

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