

EAST KENTUCKY MIDSTREAM, LLC

P.O. Box 1666

Salyersville, KY 41465

RATES – CHARGES – RULES – REGULATIONS

for furnishing

NATURAL GAS from FARM TAPS

pursuant to KRS 278.485

in

BREATHITT, CLARK, JOHNSON, LAWRENCE, MENIFEE,

MONTGOMERY, MORGAN, and WOLFE COUNTIES

FILED WITH THE

PUBLIC SERVICE COMMISSION

OF KENTUCKY

DATE OF ISSUE June 7, 2024
DATE EFFECTIVE May 20, 2024
ISSUED BY /s/ Jack Justice
TITLE E. Ky. Midstream, LLC member-manager
Issued by authority of a Public Service Commission
Order in Case 2023-00112, dated May 20, 2024

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Linda C. Bridwell
Executive Director



EFFECTIVE

5/20/2024

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

East Kentucky Midstream, LLC
NATURAL GAS FARM-TAP SERVICE
in entire service area

PSC KY NO. _____ 1
Original SHEET NO. 1
CANCELLING PSC KY NO. _____
SHEET NO. _____

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SERVICE CLASSIFICATION and AREA

Classification

This farm-tap service is offered by East Kentucky Midstream, LLC (“EKM”) from a natural gas gathering pipeline system, pursuant to KRS 278.485 and 807 KAR 5:026. This service is provided to property owners requesting and entitled to service from EKM for residential and small-volume non-residential end-use.

Gas service is not provided at any fixed or specified pressure, and the gas provided is neither treated nor artificially odorized. Farm-tap service gas deliveries and rates are on a volumetric basis, measured in 1000 cubic feet (Mcf) units.

Service under this tariff is for two classifications of service:

1. Residential – service to one residential dwelling unit, for domestic or residential end-use only
2. Non-Residential, small volume —
 - service to a multi-unit dwelling (*e.g.*, an apartment complex) or for any use not exclusively domestic or residential; and
 - for which in any 12-month period, actual or expected usage
 - averages less than 20 Mcf per month and
 - does not exceed 60 Mcf in any one month

Supply of gas to a single property owner at multiple points of service or for resale or large-volume non-residential end-use to persons otherwise qualifying for farm-tap service is conditional upon and subject to a special contract therefor between EKM and the customer.

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Service Area

Pursuant to KRS 278.485, the service area encompasses properties over which any EKM gas gathering pipeline is located and those properties for which the point of service is within one-half air-mile of any EKM gas gathering pipeline.

EKM's farm-tap service area is near to its gathering pipelines in Kentucky, in portions of Breathitt, Clark, Johnson, Lawrence, Menifee, Montgomery, Morgan, and Wolfe Counties.

EKM reserves the right to refuse or to defer full service to an applicant if the existing gathering pipeline system is inadequate to serve the applicant's requirements without adversely affecting the farm-tap service to those already connected and being served.

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RECURRING RATES

<u>Customer Charge</u> (per month, per account)	
Residential account	\$11.00
Non-Residential (small volume) account	\$22.00
<u>Usage Charge</u> (per Mcf delivered)	\$11.0211

NON-RECURRING CHARGES:

Installation/Reconnection Fee:	\$25.00
Seasonal/Temporary Disconnect Fee:	\$25.00
Meter Test Charge	Actual Cost
Deposit	\$100.00

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RULES AND REGULATIONS

1. **Incorporated Terms.** The terms and conditions of KRS 278.485, 807 KAR 5:026, and any other applicable regulations, as they may be amended from time to time, are incorporated in this Tariff by reference. In addition to those incorporated terms and conditions, and not in limitation thereof, the following additional provisions apply.

2. **Property Owner Customer.**
 - a. The owner(s) of a property over which any EKM gas gathering pipeline is located or of a property for which the point of service is within one-half air-mile of any EKM gas gathering pipeline is the person(s) to whom service may be provided under this Tariff and will be considered the Customer for the service. The end-user of the gas supplied or the occupier of the property at the point of service may be different from the property owner(s).

 - b. The property owner(s) must apply for service and be the account holder(s). With EKM’s agreement, if there are multiple owners, one or more of the owners may be designated as the Customer for administrative purposes such as billing or notices. All customer or applicant obligations and responsibilities are those of the property owner(s) and are not excused by conduct, action, or inactions of any end-user or property occupant.

 - c. A customer account is associated with a particular meter. No account may be assigned without EKM’s written consent, and the property owner(s) shall notify EKM of any change in ownership of the property at the point of service — in advance or as soon thereafter as feasible.

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3. General Terms.

- a. All gas sold and delivered under this Tariff shall be delivered at the varying pressures of the applicable EKM pipeline.
- b. It shall be the sole responsibility of the applicant-customer and at applicant-customer's sole cost, expense, and risk:
 - to supply and to have installed, inspected, and maintained the necessary regulator and equipment related thereto and all pipelines and other facilities beyond the tap on EKM's pipeline and the meter, which EKM will install and own.
 - to ensure that the gas in the applicant-customer's pipeline contains a natural odorant or is odorized, so that the gas is readily detectable by a person with a normal sense of smell. If the gas does not contain a natural odorant, the applicant-customer must comply with the odorization requirement contained in 807 KAR 5:026, Section 6(12). Any necessary odorization equipment shall be installed in conformity with specifications approved by the Kentucky Public Service Commission ("PSC").

Gas may not be provided to the applicant-customer prior to the approval by PSC Staff of the installation of the pipelines and equipment provided by applicant-customer, including a determination either that a natural odorant is present in the gas or that the requirement for artificial odorization has been satisfied.

- c. EKM shall have the right to enter upon the premises of Customer to read, inspect, repair, change, or remove the meter or any other equipment belonging to EKM, and EKM shall also have the right to reclaim any of its property which may be on Customer's premises.

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3. General Terms (cont'd)

- d. EKM shall not be liable to a customer or the corresponding end-user(s) for any discontinuance, reduction, change or any other effect on service resulting from the following, any or all of which may be undertaken in EKM's sole discretion:
 - (i) the plugging, shut-in, abandonment (temporary or final), or change in the use of any well;
 - (ii) temporary or permanent discontinuance or reduction of transportation of gas through any applicable pipeline;
 - (iii) the use (or termination of use) of compressors or other equipment;
 - (iv) breakage or maintenance of pipelines or other equipment; or
 - (v) changes in EKM's operations, or other causes related to EKM's operations or business activities.
- e. EKM is under no obligation to supply any specific quantity or quality of gas to a customer. Customer understands and acknowledges that the gas EKM supplies pursuant to this Tariff:
 - (i) is not treated or artificially odorized;
 - (ii) may not be consistent in volume, heat content, or other qualities; and
 - (iii) may have a heat content higher or lower than gas transported in interstate pipelines or supplied by gas distribution companies.
- f. Natural gas supplied by EKM is for use on Customer's property and only on its property, for the exclusive use of Customer or its tenants, lessees, or other persons present at the point of service by right or license from Customer or its tenants or lessees. Customer is expressly forbidden to obtain gas under this Tariff and to resell it for any purpose. A person otherwise qualifying for farm-tap service that resells all or part of the gas delivered must enter into a special contract with EKM.
- g. No agent or employee of EKM has authority to make any oral promise, agreement, or representation inconsistent with this tariff, and no such promise, agreement, or representation shall bind EKM, unless in writing and signed by an executive officer thereof.

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4. Gas Measurement.

- a. The measurement of gas by the EKM meter shall be conclusive upon EKM and Customer unless EKM is unable to read the meter after reasonable effort or the meter ceases to register, proves to be defective, or is found by test not to be accurate within the limitations of industry or regulatory standards. In such case, the deliveries for the period in question shall be estimated.
- b. EKM will, upon written request of Customer, have the meter removed, sealed, and tested, and a certificate of the test will be given to Customer. If the meter so tested is found to be accurate within the limits specified in the rules of the PSC, Customer shall, upon presentation of a bill, pay EKM for such test.
- c. Where the service facilities or other equipment have been tampered with, resulting in improper measurement of the natural gas supplied, Customer shall be required to pay for such quantity of natural gas as EKM may estimate from available information to have been used but not registered by EKM's meter. In addition thereto, Customer shall be required to bear all costs incurred by EKM for investigations and inspections and for such protective equipment as may be necessary in its judgment.
- d. Customer shall promptly notify EKM of any known or suspected gas leaks.

5. Bills; Payment

- a. Customer shall pay the applicable Installation Fee (sheet 3) and provide a \$100 deposit (waivable by EKM) to initiate service and, thereafter, shall pay EKM the applicable monthly Customer Charge and the Usage Charge for all gas delivered.
- b. Invoices will be mailed or otherwise transmitted to the account-holder Customer for the past month's usage. The term "month" for billing purposes means the period between any two consecutive regular readings by EKM of the account meter, such readings to be taken as nearly as may be practicable every 30 days. The timing of the meter reading/cycle is selected by EKM.

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5. Bills; Payment (cont'd)

- c. Bills for service may include, in addition to the charges stated in this Tariff, any service-related excise tax, sales tax, franchise fee or other similar fee or tax imposed by a government or which EKM is obligated to pay to any government.
- d. Any Customer who has taken residential service from EKM for at least one year and is not delinquent on the account may elect to pay monthly bills for residential service on a budget billing plan.
 - (i) Budget billing will start in a summer month (June-August).
 - (ii) There will be an annual true-up, with a twelfth month's payment in an amount equal to the difference between the total of the prior 11 month's payments and the total that would have been billed based on actual usage for the 12-month period. If the difference is a credit balance, EKM will credit the amount on succeeding bills; if a debit balance, the balance will be due and payable by Customer on the due date on the bill for the twelfth month.
 - (iii) Budget billing for a customer will continue year-to-year, with the monthly budget amount re-set each year unless that customer is delinquent on the account or requests, no later than the start of the eleventh month in the annual cycle, not to renew the budget billing plan in the following year.
 - (iv) Upon termination of service to a Customer on a budget billing plan, the entire balance amount of the account for actual usage shall be due and payable either by Customer to EKM if a debit balance exists or shall be refunded by EKM to Customer if a credit balance exists.
- e. Customer shall remit full and complete payment of each invoice within twenty (20) days following the date thereof. If a customer fails to make such payment, EKM may send a notice of delinquency in the next month's invoice or in a separate mailing at least five (5) days after the deadline for payment. That customer's access to natural gas pursuant to this Tariff may be terminated for nonpayment ten (10) days after the mailing to it of a notice of the delinquency.

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6. Default; Termination of Service

- a. EKM shall be entitled to terminate Customer’s access to natural gas for any reason provided in applicable statutes and regulations or as stated in this Tariff. Termination of service shall not be EKM’s sole remedy for the recovery of any amounts due hereunder; EKM shall have all remedies available to it at law or equity for any breach or failure by Customer to abide by and perform its obligations under the terms of this Tariff.
- b. Service terminated by EKM will be restored for any account / point of service only after Customer has eliminated the cause for termination. Customer shall pay the applicable Reconnection Fee (sheet 3) for restoration of service.
- c. Customer may request complete discontinuance of service upon at least three (3) days’ written notice to EKM to allow time for a final meter reading and disconnection of service. Customer remains liable for all rates and charges for service until final reading of the meter.
- d. Customer may request a seasonal or temporary discontinuance of service for a scheduled period of time upon at least 15 days’ notice to EKM and the payment of the applicable Seasonal/Temporary Disconnect charge (sheet 3). If Customer requested discontinuance of service under Rule 6.c above and reconnection/restoration of service is later requested for the same account-holder as before, then EKM may at its discretion:
 - require re-application for service or
 - charge and collect the Seasonal/Temporary Disconnect Charge as if Customer had made a request for that service instead of full discontinuance.
- e. Upon any termination/discontinuance of service or an account other than for a change in ownership of the point of service or a seasonal/temporary disconnection, EKM may remove the meter, close the tap, or both for the respective point of service.

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7. Liability Limitation; Indemnification

- a. Customer agrees that acceptance and use of gas at the respective point of delivery or use shall be at Customer's sole risk, and EKM shall not be liable to Customer, the respective end-user(s), or any third person for any loss, damage to property, personal injury, loss of use, or any other claim of any kind arising from or associated with receipt or use of gas from EKM or pipelines or other equipment or facilities associated with such receipt or use or any of the circumstances referenced in Rules 3.d and 3.e.
- b. Customer shall hold EKM harmless and indemnify it against all claims and liability, including reasonable attorney fees awarded by a court of competent jurisdiction, for injury to persons or damage to property when such damage or injury results from:
- any facilities, piping, and equipment located on Customer's side of the point of delivery;
 - any equipment, pipeline, or other facilities which were or were required to be installed, inspected, maintained, or operated by or for Customer or the respective end-user; or
 - receipt or use of gas supplied by EKM under this Tariff.

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East Kentucky Midstream
P. O. Box 523
Jackson, KY 41339

APPLICATION FOR GAS SERVICE

The information below is necessary for us to set up gas service in your home or place of business. When complete, please return both pages to the address listed above.

Name: _____

Co-applicant: _____

Address where service is desired: _____

Check one: Home: Business Other (describe) _____

City: _____ State: KY Zip Code: _____

Phone number: daytime: _____ evening: _____

Mailing Address if different than above: _____

City: _____ State: KY Zip Code: _____

County/City School District: _____

If you are renting, please list homeowner/landlord: _____

Closest neighbor with gas service: _____

If no existing service line at location, list the name and address of the contractor who will install:


Social Security Number (last four): ###-##- _____

Have you had gas service with this company before? (check one): _____yes _____no

If yes, when and where? _____

Applicant's Signature

Office Use Only:	
<input type="checkbox"/> Check	<input type="checkbox"/> Waived
<input type="checkbox"/> Cash (Amt.)	<input type="checkbox"/> Bill Customer Deposit

KENTUCKY Date	
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INFORMATION FOR NEW GAS CUSTOMERS

East Kentucky Midstream is a natural gas gathering system providing gas service required under KRS 278.485 to customers within one-half air-mile of its pipeline system and pursuant to a tariff on file with the Kentucky Public Service Commission.

- 1) There is a \$100.00 deposit required of all customers. There is also a \$25.00 initial service charge to cover the costs of the initial meter reading or installation and setting up your account in the company's billing records.
- 2) For every month your account is active, you will be charged \$11.00 (\$22.00 for non-residential customers), in addition to charges for any gas you use.
- 3) If you are disconnected for non-payment, there will be a \$25.00 service charge assessed when your service is reinstated, in addition to any outstanding balances or costs to which EKM may be entitled. Existing customers may request seasonal or temporary discontinuance of service on prior notice and payment to EKM of a \$25.00 Seasonal/Temporary Disconnect fee.
- 4) Your gas bill will be mailed around the first of the month, and is due and payable by the 20th of that month.
- 5) Customers who have taken residential service from EKM for at least one year and are not delinquent on the account may elect to pay on a 12-month budget plan with an annual true-up, which can be applied for during May through August. The budget plan will make your gas bills the same amount throughout the year, with the annual true-up resulting in a bill credit going forward or payment required in the twelfth month.
- 6) If you move, you must notify us so we can reimburse any deposit you made. You remain responsible for the gas bills until you notify us.
- 7) We do not service or inspect gas appliances, nor do we verify the integrity of your home's gas system. A qualified technician (e.g., a heating contractor) should be contacted regarding the lighting of your gas appliances and inspection of your home gas system by a qualified technician.
- 8) Please call us if you notice a strong gas odor inside or outside your home. Normally, the odor of treated natural gas is the smell of rotten eggs. Note, however, much of EKM's locally produced gas is untreated and does not contain this odorant.
- 9) We strongly recommend the use of carbon monoxide detectors, particularly if you have any unvented appliances. Unvented gas heaters or appliances should never be used indoors.

Please sign and date, acknowledging that you have read the above information

Signed: _____ Date: _____

