

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of Kansas Gas)
Service, a Division of ONE Gas, Inc., for)
Adjustment of its Natural Gas Rates in the) Docket No. 18-KGSG-560-RTS
State of Kansas.)

**ORDER GRANTING INTERVENTION TO THE KANSAS FARM BUREAU AND
KANSAS CORN GROWERS ASSOCIATION**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

Background

1. On June 29, 2018, Kansas Gas Service (KGS) filed for a \$45.6 million revenue increase.¹ KGS also seeks to allocate savings from prefunded pension expenses with one-third going to customers and two-thirds to its shareholders.² In addition, KGS is proposing a Revenue Normalization Adjustment to sever the link between its revenue and customer usage; a cybersecurity O&M expense tracker; and a depreciation tracker.³

2. On October 4, 2018, the Kansas Farm Bureau (KFB) and Kansas Corn Growers Association (KCGA) petitioned to intervene in this proceeding.⁴

¹ Application, ¶ 3 (June 30, 2018).

² *Id.*, ¶ 5.

³ *Id.*, ¶ 7.

⁴ Entry of Appearance and Petition to Intervene, ¶ 10 (Oct. 4, 2018).

3. KFB stated it “has over 100,000 members in all 105 counties in Kansas, of which members, over 30,000 are farmers and ranchers.”⁵ KCGA stated that “[m]any of KCGA’s members use substantial amounts of natural gas in their operations for irrigation.”⁶

4. Additionally, KFB and KCGA stated that the Commission’s order in this docket may substantially affect the rates paid and services received by irrigators, and “[t]he representation of KFB’s and KCGA’s interests, and the interests of their irrigator members, by existing parties is or may be inadequate.”⁷

Legal Standards

5. The Commission shall grant intervention if the petition: (1) is submitted in writing; (2) states facts demonstrating the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.⁸ The Commission has discretion to grant intervention at any time where intervention is in the interests of justice and will not impair the orderly and prompt conduct of proceedings.⁹ At any time during a proceeding, the Commission may impose limitations on an intervenor’s participation, which may include limiting an intervenor’s participation to designated issues in which the intervenor has a particular interest demonstrated by the petition, limiting intervenor discovery, cross-examination and other procedures, and requiring intervenors to consolidate their participation in the proceedings.¹⁰

⁵ *Id.*, ¶ 2.

⁶ *Id.*, ¶ 3.

⁷ *Id.*, ¶¶ 5-6.

⁸ K.S.A. 77-521(a); K.A.R. 82-1-225(a).

⁹ K.S.A. 77-521(b); K.A.R. 82-1-225(b).

¹⁰ K.S.A. 77-521(c); K.A.R. 82-1-225(c).

Findings and Conclusions

6. KFB and KCGA submitted their intervention petition in writing and properly served it, pursuant to K.S.A. 77-521(a)(1). However, the Commission finds they have not stated facts demonstrating that their legal rights and interests may be substantially affected by this proceeding, pursuant to K.S.A. 77-521(a)(2).

7. Although KFB and KCBA may not be granted intervention as a matter of right, the Commission in its discretion finds that because KFB and KCBA represent individuals across all sectors of Kansas agriculture, their intervention is in keeping with the interests of justice, and their participation will not impede the orderly and prompt conduct of the proceedings, pursuant to K.S.A. 77-521(a)(3). Thus, the Commission finds that KFB and KCGA have met the requirements for intervention of K.S.A. 77-521 and K.A.R. 82-1-225, and therefore, should be granted intervention in all aspects of this docket.

8. KFB and KCGA will be added to the mailing list. Service of electronic notices, pleadings, testimony, orders, communications, and other documents should be directed to the following:

Terry D. Holdren, KFB General Counsel
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THEREFORE, THE COMMISSION ORDERS:

A. KFB and KCBA are granted intervention.

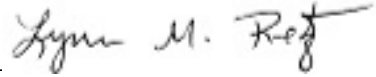
B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹¹

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/11/2018


- Lynn M. Retz -
Secretary to the Commission

MJD/sb

¹¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

18-KGSG-560-RTS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 10/11/2018.

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