

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

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

In the Matter of the Complaint Against)
Black Hills Energy by Oklahoma Energy) Docket No. 18-BHCG-103-COM
Source, LLC.)
_____)

PREHEARING OFFICER CLOSING DOCKET

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 Prehearing Officer finds and concludes as follows:

1. On August 31, 2017, Oklahoma Energy Source, LLC (Complainant) filed a Formal Complaint (Complaint) against Black Hills Energy, LLC (Black Hills). The Complainant alleged that Black Hills' credit requirements for third party shippers limits the Complainant's ability to compete for bids and the requirement is not included in Black Hills' tariff.¹

2. On September 21, 2017, Commission Staff (Staff) filed its Legal Memorandum in this docket. Staff recommended the Commission find the Complaint satisfied the procedural requirements for formal complaints found in K.A.R. 82-1-220 and established a *prima facie* case for action by the Commission, and further recommended the Complaint be served upon Black Hills for an answer.² On December 07, 2017, the Commission issued an Order Accepting Formal Complaint and Adopting Staff's Memorandum.

3. On December 11, 2017, Black Hills filed an Answer and Motion to Dismiss.

¹ Formal Complaint at Att. (Aug. 31, 2017).

² Memorandum at 2-3 (Sep. 21, 2017).

4. On December 22, 2018, Staff filed a Response to Black Hills Energy's Motion to Dismiss.

5. On May 17, 2018, the Commission issued an Order Denying Motion to Dismiss; Designating a Prehearing Officer; Protective and Discovery Orders; and Setting a Prehearing Conference for June 5, 2018 at 9:00 a.m. by telephone.³

6. On June 5, 2018, the Prehearing Officer convened the Prehearing Conference. The Complainant failed to attend and Black Hills verbally moved for default.⁴

7. On June 12, 2018, the Commission issued a Proposed Default Order finding the Complainant in default.⁵ The Complainant did not file a motion to vacate the Proposed Default Order.

8. On July 26, 2018, Staff filed a Legal Memorandum stating there was no need for this Docket to proceed and requesting the Docket be closed.⁶

9. Therefore, pursuant to the Prehearing Officer's delegation under K.S.A. 77-551(c) to handle procedural matters, the Prehearing Officer finds that this this docket should be closed.

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. Docket No. 18-BHCG-103-COM shall be closed.

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

Dated: August 2, 2018

DLK/sc

/s/ Dustin L. Kirk

Dustin L. Kirk
Prehearing Officer

³ Order Denying Motion to Dismiss; Designating Prehearing Officer; Protective and Discovery Orders, and Setting Prehearing Conference at 11 (May 17, 2018).

⁴ Proposed Default Order at 3 (Jun. 12, 2018).

⁵ *Id.*

⁶ Notice of Filing of Staff's Legal Memorandum at Att. (Jul. 26, 2018).

CERTIFICATE OF SERVICE

18-BHCG-103-COM

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 08/02/2018.

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/S/ DeeAnn Shupe

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