

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

In the Matter of the Application of Midwest Energy, Inc. for)
 Authority to Cease Transacting the Business of a Natural Gas) 15-MDWG-593-CCS
 Public Utility in Certain Portions of Finney County, Kansas.)
)

ORDER

NOW, the above-captioned matter comes on for consideration and determination by 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:

1. On June 18, 2015, Midwest Energy, Inc. ("Applicant") filed an application seeking to cease operating as a natural gas public utility in a portion of Finney County, Kansas. Applicant is a natural gas public utility as defined by K.S.A. 2014 Supp. 66-104. A public hearing was neither requested nor held on this Application.

2. Specifically, Applicant requests permission to cease operating in the territory described as follows:

FINNEY COUNTY

Sections 7, 17 and 18, Township 25 South, Range 32 West

3. Public convenience will be promoted by allowing Applicant to cease operating as a natural gas public utility in the territory described in Finding No. 2 above and granting Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, in Docket No. 15-BHCG-596-COC, a Certificate to serve as a natural gas public utility in that territory. The application, therefore, should be granted.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The application filed herein is granted and Midwest Energy, Inc. is permitted to cease operating as a natural gas public utility in the territory described in Finding No. 2 herein.

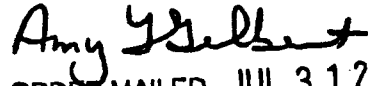
B. A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JUL 30 2015


ORDER MAILED JUL 31 2015

Amy L. Gilbert
Secretary to the Commission

gdd

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Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Pat Apple

FROM: Gary Dawdy, Utility Engineer II
Leo Haynos, Chief Engineer
Jeff McClanahan, Director of Utilities

DATE: July 20, 2015

SUBJECT: 15-MDWG-593-CCS
In the Matter of the Application of Midwest Energy, Inc. for Authority to
Cease Transacting in the Business of a Natural Gas Public Utility in
Certain Portions of Finney County, Kansas.

15-BHCG-596-COC
In the Matter of the Application of Black Hills/Kansas Gas Utility
Company, LLC d/b/a Black Hills Energy, for a Certificate of Convenience
and Authority to Transact the Business of a Natural Gas Public Utility in
the State of Kansas. Sections 7, 17 and 18, Township 25 South, Range 32
West, Finney County, Kansas.

BACKGROUND:

On June 18, 2015, Midwest Energy, Inc. (Midwest) filed an Application to Cease Service and Black Hills/Kansas Gas Utility Company, LLC, dba Black Hills Energy (Black Hills) filed a companion Application for Certificate.

ANALYSIS:

Pursuant to K.S.A. 2014 Supp. 66-131, the Commission has jurisdiction to grant a certificate to a public utility seeking to transact business in the State of Kansas.

The statutory standard of review in this matter is whether the "public convenience will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state." K.S.A. 2014 Supp. 66-131.

An irrigation customer in Finney County currently using natural gas from a local gas well to fuel four irrigation engines has requested natural gas service from Black Hills. The irrigation sites are located in an area certificated to Midwest, adjacent to Black Hills' territory. In order to meet this customers service needs, the two utilities have agreed to exchange three sections of territory.

Staff recommends that the Commission find that public convenience will be promoted by the granting of this Application.

The Commission action date is December 15, 2015.

RECOMMENDATION:

Staff is recommending that Midwest's Application to Cease Service in 15-MDWG-593-CCS and Black Hills' Application for Certificate in 15-BHCG-596-COC both be granted.

JUL 30 2015

KANSAS CORPORATION COMMISSION
AMY L. GILBERT, SECRETARY

DOCKET NO.: 15-MDWG-593-CCS

ORDER DATE:

NAME AND ADDRESS

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ORDER MAILED JUL 31 2015

The Docket Room hereby certifies that on _____, a
true and correct copy of the attached was deposited in the United States Mail, postage prepaid,
addressed to the above persons.