

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Application of Black )  
Hills/Kansas Gas Utility Company, LLC, d/b/a Black )  
Hills Energy, for Authority to Cease Transacting the )  
Business of a Natural Gas Public Utility in the )  
Northwest Quarter (NW/4) and that part of the East ) Docket No. 15-BHCG- 445 -CCS  
Half (E/2) of Section 6, Township 13 South, Range )  
19 East that is West of the Centerline of the K-10 )  
Bypass and the East Half (E/2) of the Southeast )  
Quarter (SE/4) of Section 5, Township 13 South, )  
Range 20 East, in Douglas County, Kansas. )

**APPLICATION OF BLACK HILLS/KANSAS GAS UTILITY  
COMPANY, LLC, D/B/A BLACK HILLS ENERGY, TO  
CEASE TRANSACTING THE BUSINESS OF A NATURAL GAS  
PUBLIC UTILITY IN A PORTION OF DOUGLAS COUNTY, KANSAS**

Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy ("Black Hills"), hereby requests the State Corporation Commission of the State of Kansas ("Commission") grant it authorization to cease operating as a natural gas public utility in the Northwest Quarter (NW/4) and that part of the East Half (E/2) of Section 6, Township 13 South, Range 19 East that is West of the Centerline of the K-10 Bypass and the East Half (E/2) of the Southeast Quarter (SE/4) of Section 5, Township 13 South, Range 20 East in Venture Park, in Douglas County, Kansas, except for the specific addresses and locations identified in paragraph 2 below. In support of its Application, Black Hills states:

1. Black Hills is a natural gas public utility company under the jurisdiction of the Commission, which is engaged in the delivery and sale of natural gas within the meaning of K.S.A. 66-104, in legally designated areas of Kansas. Black Hills holds a certificate of convenience and authority issued by the Commission, authorizing Black Hills to engage in such utility business. Black Hills has previously filed with the Commission certified copies of its Articles of Incorporation under

which it was organized and a Certificate of Registration as a corporation authorized to do business in Kansas, and all amendments thereto and restatements thereof, and the same are incorporated herein by reference.

2. Black Hills and Atmos Energy have mutually agreed, subject to approval by the Commission, that as a matter of public convenience and to better serve certain natural gas customers, Atmos Energy should serve as the natural gas public utility in the following described territory:

DOUGLAS COUNTY, KANSAS

The Northwest Quarter (NW/4) and that part of the East Half (E/2) of Section 6, Township 13 South, Range 19 East that is West of the Centerline of the K-10 Bypass and the East Half (E/2) of the Southeast Quarter (SE/4) of Section 5, Township 13 South, Range 20 East in Venture Park, in Douglas County, Kansas, except for the location and addresses set forth below:

2004 E. 23rd St - Cornerstone Construction  
2030 E. 23rd St - Slimmer Automotive  
2176 E. 23rd St - Don's Steak House  
2200 E 23rd St - Radical Teamwear  
2206 E. 23rd St - Knights of Columbus  
840 N 1500 Rd - Virginia Wulfsuhle  
843 N 1500 Rd # A - Don Hazlett  
843 N 1500 Rd # B - Don Hazlett  
1423 E 900 Rd # A - Aeolian Corp  
1423 E 900 Rd # B - Aeolian Corp  
872 N 1402 Rd # A - Clinton Project Office  
872 N 1402 Rd # B - Clinton Project Office  
872 N 1402 Rd # C - Clinton Project Office

3. The territory described in paragraph 2 above is currently within Black Hills' service territory. Black Hills will continue to provide natural gas service in the territory but only to those addresses and locations specifically set forth in paragraph 2. Atmos Energy plans to serve all other natural gas customers in the territory described in paragraph 2. Exhibit A provides an area map of the territory identifying the areas Black Hills will transfer to Atmos Energy and the areas Atmos Energy is transferring to Black Hills.

4. Atmos Energy will submit a corresponding Application for a Certificate of Public Convenience and Authority to Transact the Business of a Natural Gas Public Utility for the territory described in paragraph 2.

5. This transfer of territory is pursuant to an agreement between Black Hills and Atmos Energy which also includes a transfer of territories among Atmos Energy and Black Hills in the Lawrence, Kansas area. The Lawrence, Kansas applications will be filed in separate dockets. Due to the location of Atmos Energy's and Black Hills' existing facilities in the area, it is in the best interest of the current residents that the service territory be transferred. Atmos Energy and Black Hills have agreed that Black Hills will transfer to Atmos Energy the territory described in paragraph 2, excluding the specific locations and addresses identified therein.

6. A copy of this Application is being served on Atmos Energy. No other person or entity requires notice of this Application.

WHEREFORE, Black Hills respectfully requests the Commission authorize Black Hills to cease transacting the business of a natural gas public utility in the territory described in paragraph 2 of this Application.



James G. Flaherty, #11177

**ANDERSON & BYRD, LLP**

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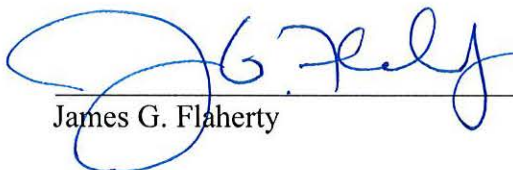
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Attorneys for Black Hills/Kansas Gas Utility Company,  
LLC, d/b/a Black Hills Energy

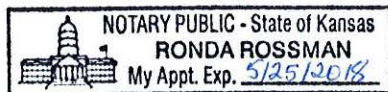
## VERIFICATION

STATE OF KANSAS, FRANKLIN COUNTY, ss:

James G. Flaherty, of lawful age, being first duly sworn on oath, states: That he is an attorney for Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy; that he has read the above and foregoing Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, to Cease Transacting the Business of a Natural Gas Public Utility in a Portion of Douglas County, Kansas, knows the contents thereof; and that the statements contained therein are true.

  
James G. Flaherty

SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of March, 2015.



  
Ronda Rossman

Notary Public

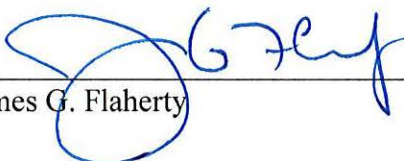
Appointment/Commission Expires:

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was mailed, postage prepaid, this 31<sup>st</sup> day of March, 2015, addressed to:

James Price  
Atmos Energy  
P. O. Box 650205  
Dallas, Texas 75265-0205

Karen P. Wilkes  
Division Vice President of Regulatory and Public Affairs  
Atmos Energy  
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James G. Flaherty



