

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

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

In the Matter of the Application of Black )  
Hills/Kansas Gas Utility Company, LLC, d/b/a )  
Black Hills Energy, to Amend its Service Fees ) Docket No. 16-BHCG-591-TAR  
Tariff to Reduce Fees Charged by Vendor for )  
Credit, Debit and ATM Card Payments. )

**ORDER ADOPTING STAFF'S REPORT AND RECOMMENDATION**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined the files, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. BACKGROUND**

1. On June 28, 2016, Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills) filed its Application seeking to amend its service fees tariff to reduce fees charged by Black Hills' vendors for credit, debt and ATM card payments.<sup>1</sup>

2. On June 30, 2016, the Citizens' Utility Ratepayer Board (CURB) filed its Petition to Intervene, citing its statutory authority to represent residential and small commercial ratepayers. CURB explained the rates paid by and the services received by residential and small commercial customers may be substantially affected by this proceeding.<sup>2</sup> The Commission granted CURB's intervention on July 12, 2016.<sup>3</sup>

---

<sup>1</sup> See Application for Black Hills/Kansas Gas Utility Company, LLC, pp. 1-2 (Jun. 28, 2016) (Application).

<sup>2</sup> See CURB's Petition to Intervene, p. 2 (Jun. 30, 2016).

<sup>3</sup> Suspension Order; Order Granting Intervention (Jul. 12, 2016).

3. On September 14, 2016, the Staff of the Commission (Staff) filed its Report and Recommendation (R&R).<sup>4</sup> In Staff's R&R, Staff recommended the Commission approve Black Hills' proposed changes to its Pay On-Line fees, Pay By Phone fees and tariff Index.<sup>5</sup>

## II. DISCUSSION

4. Black Hills submitted its Application to change fees associated with credit card payments made online and by phone to reflect lower fees charged by Black Hills' third-party vendor.<sup>6</sup> Additionally, Black Hills proposed numerous changes to its tariff Index to correct titles and page numbers.<sup>7</sup>

5. Staff reviewed information provided by Black Hills' third party vendor, SPEEDPAY, Inc. to verify convenience (i.e. credit card) fees for residential and commercial customers had been reduced.<sup>8</sup> Additionally, Staff reviewed Black Hills' proposed tariff Index changes and determined them to be correct.<sup>9</sup>

6. At the end of its investigation, Staff recommended approval of Black Hills' proposed changes to its Pay On-Line (credit card) fees, Pay By Phone (credit card) fees and tariff Index.<sup>10</sup>

## III. FINDINGS AND CONCLUSIONS

7. Pursuant to K.S.A. 66-117, a public utility over which the Commission has jurisdiction cannot make effective any changed rate, joint rate, toll, charge or classification or schedule of charges, or any rule or regulation or practice pertaining to the service of a public

---

<sup>4</sup> See Notice of Filing of Staff's Report and Recommendation (Sep. 14, 2016) (R&R).

<sup>5</sup> See *id.* at p. 2.

<sup>6</sup> See *id.* at p. 1.

<sup>7</sup> See *id.*

<sup>8</sup> See *id.* at p. 2.

<sup>9</sup> See *id.*

<sup>10</sup> See *id.*

utility except by filing with the Commission.<sup>11</sup> Black Hills is a natural gas public utility operating in the State of Kansas pursuant to certificates of convenience and necessity issued by the Commission.<sup>12</sup>

8. Staff's R&R filed in this docket on September 14, 2016, is hereby adopted and incorporated by reference into this Order. The Commission, having reviewed and considered Staff's R&R, finds Staff's recommendations and conclusions reasonable and therefore adopts the same.

9. The Commission finds and concludes that the recommendations contained within Staff's R&R are just and reasonable, and should be approved.

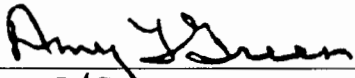
**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

- (A) Black Hills/Kansas Gas Utility Company, LLC's Application is hereby approved.
- (B) Parties have 15 days, plus three days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration or request a hearing, as provided in K.S.A. 77-542.<sup>13</sup>
- (C) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: OCT 11 2016

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the commission

REV

<sup>11</sup> See K.S.A. 66-117(a).

<sup>12</sup> Application, p. 1.

<sup>13</sup> K.S.A. 77-537(b); K.S.A. 66-118b; K.S.A. 77-529(a)(1).

Order Mailed Date

OCT 12 2016

**CERTIFICATE OF SERVICE**

16-BHCG-591-TAR

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on OCT 11 2016.

THOMAS J. CONNORS, ATTORNEY AT LAW  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
tj.connors@curb.kansas.gov

JAMES G. FLAHERTY, ATTORNEY  
ANDERSON & BYRD, L.L.P.  
216 S HICKORY  
PO BOX 17  
OTTAWA, KS 66067  
Fax: 785-242-1279  
jflaherty@andersonbyrd.com

DAVID W. NICKEL, CONSUMER COUNSEL  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.nickel@curb.kansas.gov

DELLA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.smith@curb.kansas.gov

SHONDA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
sd.smith@curb.kansas.gov

ANN STICHLER, SR. REGULATORY ANALYST  
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC  
D/B/A BLACK HILLS ENERGY  
1102 EAST 1ST ST  
PAPILLION, NE 68046  
ann.stichler@blackhillscorp.com

ROBERT VINCENT, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
r.vincent@kcc.ks.gov

/S/ DeeAnn Shupe  
DeeAnn Shupe

**Order Mailed Date**

**OCT 12 2016**