

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

Before Commissioners:                   Mark Sievers, Chairman  
  Ward Loyd  
  Thomas E. Wright

In the Matter of a General Investigation of            )  
Energy-Efficiency Policies for Utility                )       Docket No. 12-GIMX-337-GIV  
Sponsored Energy-Efficiency Programs.             )

**PREHEARING OFFICER ORDER GRANTING INTERVENTION TO  
BLACK HILLS ENERGY**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. On November 9, 2011, the Commission designated Melissa Doebelin, Advisory Counsel, to act as Prehearing Officer in this proceeding. Order Opening Docket, Setting Prehearing Conference and Appointing Prehearing Officer, November 9, 2011, paragraph 5 (November 9, 2011 Order, ¶ 5). Having reviewed the files and records, and being duly advised in the premises, the Prehearing Officer makes the following findings:

1. On November 9, 2011, the Commission opened this general investigation docket to investigate the need for clarification to the Commission's previous orders in Docket Nos. 08-GIMX-441-GIV (441 Docket) and 08-GIMX-442-GIV (442 Docket). Parties to both dockets were sent notice of this general investigation. Those parties wishing to intervene in the present docket are required to file a petition to intervene on or before November 29, 2011. November 9, 2011 Order, ¶ 6.

2. Black Hills Energy (Black Hills), a party to the 441 and 442 Dockets, filed a Petition to Intervene with the Commission on November 17, 2011, requesting leave to intervene in this proceeding. Petition to Intervene, November 17, 2011, paragraph 3 (Black Hills Petition,

¶ 3). In its petition, Black Hills stated it is a natural gas public utility operating in the state of Kansas pursuant to certificates of convenience and necessity issued by the Commission. Black Hills Petition, ¶ 1. Its principal place of business in the state of Kansas is located at 110 East 9th Street, Lawrence, Kansas 66044. Black Hills Petition, ¶ 1. Black Hills requests permission to intervene to represent the interests of its customers in Kansas, which it states are not adequately represented by existing parties, and since the Commission may issue an Order that will apply to Black Hills. Black Hills Petition, ¶¶ 4-5.

3. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(b); K.A.R. 82-1-225(b). At any time during a proceeding, the Commission may impose limitations on an intervener's participation. K.S.A. 77-521(c).

4. The Prehearing Officer finds and concludes that Black Hills has met the requirements of K.A.R. 82-1-225 and should be granted intervention. Black Hills will be added to the mailing list, service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

James G. Flaherty # 11177  
Anderson & Byrd, LLP  
216 S. Hickory, P.O. Box 17  
Ottawa, Kansas 66067  
(785) 242-1234  
(785) 242-1279 Fax  
[jflaherty@andersonbyrd.com](mailto:jflaherty@andersonbyrd.com)

5. In addition to the counsel of record for Black Hills listed above, the service of notices, pleadings, and correspondence should be delivered to Black Hills' other designees:

Margaret A. McGill  
Regulatory Manager  
Black Hills Energy  
1102 East 1st Street  
Papillion, Nebraska 68046  
[margaret.mcgill@blackhillscorp.com](mailto:margaret.mcgill@blackhillscorp.com)

Matthew Daunis  
Director, Energy Efficiency Programs  
Black Hills Energy  
110 E 9th Street  
Lawrence, KS 66044  
[matt.daunis@blackhillscorp.com](mailto:matt.daunis@blackhillscorp.com)

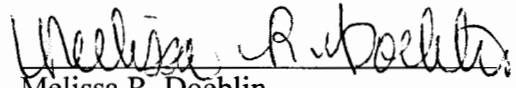
**WHEREFORE, THE PREHEARING OFFICER FINDS AND CONCLUDES AS FOLLOWS:**

A. Black Hills Energy is granted intervention in the above-captioned proceeding. Counsel of record for the petitioner, and its other designees, shall receive service of all pleadings in this matter, as set forth above.

B. Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2010 Supp. 77-529(a)(1).

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

Dated: November 28, 2011

  
Melissa R. Doeblin  
Prehearing Officer

mch/mrd

ORDER MAILED NOV 28 2011

**CERTIFICATE OF SERVICE**

NOV 28 2011

12-GIMX-337-GIV

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Prehearing Officer Order Granting Intervention to Black Hills Energy was placed in the United States mail, postage prepaid, or hand-delivered this 28th day of November, 2011, to the following:

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

JAMES PRICE  
ATMOS ENERGY  
PO BOX 650205  
5430 LBJ FREEWAY, THREE LINCOLN CENTRE  
DALLAS, TX 75265-0205  
james.price@atmosenergy.com

JAMES W. BARTLING, MGR OF PUBLIC AFFAIRS  
ATMOS ENERGY CORPORATION  
25090 W 110TH TERR  
OLATHE, KS 66061  
Fax: 913-768-4924  
james.bartling@atmosenergy.com

GARY MILLIGAN, SALES MGR - KS REGION  
ATMOS ENERGY CORPORATION  
25090 W 110TH TERRACE  
OLATHE, KS 66061  
gary.milligan@atmosenergy.com

KAREN P WILKES  
ATMOS ENERGY CORPORATION  
1555 BLAKE ST 400  
DENVER, CO 80202  
karen.wilkes@atmosenergy.com

MATTHEW DAUNIS, DIRECTOR, ENERGY EFFICIENCY  
PROGRAMS  
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC  
D/B/A BLACK HILLS ENERGY  
110 E 9TH  
LAWRENCE, KS 66044  
matt.daunis@blackhillscorp.com

MARGARET A (MEG) MCGILL, REGULATORY MANAGER  
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC  
D/B/A BLACK HILLS ENERGY  
BLACK HILLS ENERGY  
1102 EAST 1st STREET  
PAPILLION, NE 68046  
Fax: 402-221-2501  
margaret.mcjill@blackhillscorp.com

GLEND A CAFER, ATTORNEY  
CAFER LAW OFFICE, L.L.C.  
3321 SW 6TH STREET  
TOPEKA, KS 66606  
Fax: 785-233-3040  
gcafer@sbcglobal.net

TERRI PEMBERTON, ATTORNEY  
CAFER LAW OFFICE, L.L.C.  
3321 SW 6TH STREET  
TOPEKA, KS 66606  
Fax: 785-233-3040  
tjpemberton@sbcglobal.net

NIKI CHRISTOPHER, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
n.christopher@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

ORDER MAILED NOV 28 2011

**CERTIFICATE OF SERVICE**

NOV 28 2011

12-GIMX-337-GIV

C. STEVEN RARRICK, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
s.rarrick@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

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

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

DAVID SPRINGE, CONSUMER COUNSEL  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.springe@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

W. SCOTT KEITH, DIRECTOR OF PLANNING AND  
REGULATORY  
EMPIRE DISTRICT ELECTRIC COMPANY  
602 S JOPLIN AVE (64801)  
PO BOX 127  
JOPLIN, MO 64802  
Fax: 417-625-5169  
skeith@empiredistrict.com

TODD W. TARTER  
EMPIRE DISTRICT ELECTRIC COMPANY  
602 S JOPLIN AVE (64801)  
PO BOX 127  
JOPLIN, MO 64802  
Fax: 417-625-5169  
ttarter@empiredistrict.com

DENISE M. BUFFINGTON, CORPORATE COUNSEL  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PLACE 1200 MAIN STREET (64105)  
P.O. BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
denise.buffington@kcpl.com

MARY TURNER, DIRECTOR, REGULATORY AFFAIRS  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PLACE 1200 MAIN STREET (64105)  
P.O. BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2110  
mary.turner@kcpl.com

MATTHEW SPURGIN, ASSISTANT LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3167  
m.spurgin@kcc.ks.gov  
\*\*\*Hand Delivered\*\*\*

MARTIN J. BREGMAN, EXEC DIR, LAW  
WESTAR ENERGY, INC.  
818 S KANSAS AVENUE  
PO BOX 889  
TOPEKA, KS 66601-0889  
Fax: 785-575-8136  
marty.bregman@westarenergy.com

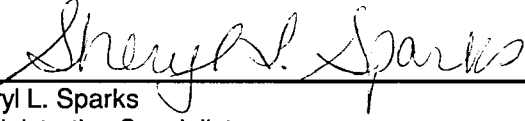
CATHRYN J. DINGES, CORPORATE COUNSEL  
WESTAR ENERGY, INC.  
818 S KANSAS AVENUE  
PO BOX 889  
TOPEKA, KS 66601-0889  
Fax: 785-575-8136  
cathy.dinges@westarenergy.com

ORDER MAILED NOV 28 2011

**CERTIFICATE OF SERVICE**

NOV 28 2011

12-GIMX-337-GIV

  
\_\_\_\_\_  
Sheryl L. Sparks  
Administrative Specialist

ORDER MAILED NOV 28 2011