

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

In the Matter of the Investigation into Black Hills )  
Kansas Gas Utility Company d/b/a Black Hills )  
Energy Regarding the February 2021 Winter ) Docket No. 21-BHCG-334-GIG  
Weather Events, as Contemplated by Docket No. 21- )  
GIMX-303-MIS )

In the Matter of the Application of Black Hills )  
Kansas Gas Utility Company, LLC d/b/a Black Hills ) Docket No. 21-BHCG-370-MIS  
Energy, for Waiver of Tariff )

**STAFF'S MOTION FOR PROCEDURAL SCHEDULE (FINANCIAL PLAN AND OFO  
WAIVER REQUEST)**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) hereby moves the Commission to adopt the procedural schedule presented below in this matter. In support thereof, Staff states the following:

1. On March 9, 2021, the Commission opened Docket No. 21-BHCG-334-GIG to investigate the effects of the February 2021 Winter Weather Event on Black Hills Kansas Gas Utility Company, LLC d/b/a Black Hills Energy (Black Hills). The Commission intended to analyze any extraordinary costs incurred during the event, and consider Black Hills' plans to minimize the financial impact of the event on ratepayers.

2. On March 23, 2021, in Docket No. 21-BHCG-370-MIS, Black Hills filed an Application for a temporary waiver of certain penalty provisions in its tariff pertaining to transportation customers during the February 2021 Winter Weather Event because the amounts charged to Black Hills from Federal Energy Regulatory Commission (FERC) regulated pipelines were unknown. This temporary waiver was granted on April 22, 2021.

3. On May 28, 2021, in Docket No. 21-BHCG-370-MIS, Black Hills filed a Motion to waive the aforementioned penalty provisions entirely, without prejudice. Black Hills asserted that it had only been assessed minor penalties from FERC regulated pipelines and that Black Hills did not incur a net increase in costs during the event on behalf of transportation customers that would be recovered from its sales customers. Therefore, Black Hills argued it would be in the transportation customers' best interest not to be charged the daily penalties related to Operational Flow Order (OFO) days or System Overrun or Critical Days and the Unauthorized Delivery Charge in its tariff.

4. On June 16, 2021, Black Hills submitted a plan to minimize the financial impact of the February 2021 Winter Weather Event on ratepayers in Docket No. 21-BHCG-334-GIG.

5. On July 20, 2021, the Commission consolidated Docket No. 21-BHCG-334-GIG and 21-BHCG-370-MIS.

6. In an effort to timely resolve the issues currently pending in this consolidated matter, Staff proposes the Commission adopt the following procedural schedule (**IF A SETTLEMENT OCCURS BY NOVEMBER 9, 2021**):

Plan Filed	Wednesday, June 16, 2021
Tech/Settlement Conference	Tuesday, October 26, 2021
Settlement Due Date	Tuesday, November 9, 2021
Testimony Support or Opposing Settlement	Tuesday, November 16, 2021
Prehearing Conference	Tuesday, November 30, 2021
Evidentiary Hearing	Tuesday, December 7, 2021
Simultaneous Briefs	Wednesday, December 29, 2021
Commission Order	Thursday, January 27, 2022

7. **IF A SETTLEMENT IS NOT REACHED BY NOVEMBER 9, 2021**, then the schedule will be modified to the following:

Tech/Settlement Conference	Tuesday, October 26, 2021
Staff and Intervenor Direct Testimony	Tuesday, November 30, 2021

Black Hills Rebuttal Testimony	Wednesday, December 15, 2021
Settlement Conference	Tuesday, December 21, 2021
Settlement Due	Tuesday, December 28, 2021
Testimony in Support/Opposition	Thursday, December 30, 2021
Prehearing Conference	Tuesday, January 4, 2022
Evidentiary Hearing	January 19-20 or 20-21
Simultaneous Briefs	Tuesday, February 1, 2022
Commission Order	Tuesday, March 1, 2022

8. Staff notes that this schedule is intended only to resolve the matters referred to above, i.e. Black Hills’ proposed financial plan and requested waiver. This schedule is not intended to resolve any anticipated future operational plans, tariff changes, hedging programs, capital expenditures, or any other relevant matters that may need to occur as a result of the February 2021 Winter Weather Event. Staff intends to address those issues in reports, testimony, etc., to be developed in the future.

9. Staff sent an e-mail dated October 1, 2021, to all parties in this matter requesting feedback on its proposed schedule. To date, all parties other than National Beef Packing Company, LLC have indicated non-opposition.

WHEREFORE, Staff respectfully requests the Commission adopt the procedural schedule referred to herein.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

21-BHCG-334-GIG

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion for Procedural Schedule, Docket 21-BHCG-334-GIG and 21-BHCG-370-MIS were served via electronic service this 7th day of October, 2021, to the following:

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