THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:

Mark Sievers, Chairman

Thomas E. Wright Shari Feist Albrecht

In the Matter of the Application of Black) Hills/Kansas Gas Utility Company, LLC, d/b/a) Black Hills Energy, for Approval of the) Commission for Gas System Reliability) Surcharge Per K.S.A. 66-2201 through 66-) 2204.

Docket No. 13-BHCG-404-TAR

ORDER DESIGNATING PREHEARING OFFICER

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined the files, the Commission concludes as follows:

- 1. On December 12, 2012, Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills) filed a new tariff schedule designed to allow for the adjustment of Black Hills' rates and charges to provide for the recovery of costs for eligible infrastructure system replacements under the Gas Safety and Reliability Act.¹
- 2. Although the Commission will conduct the evidentiary hearing in this docket, the Commission designates a prehearing officer to conduct any prehearing conferences that might be needed in this proceeding and to address any matters that are appropriately considered in a prehearing conference, including all items listed in the Kansas Administrative Procedure Act (KAPA) at K.S.A. 77-517(b). These items include, for example, conversion of the proceeding to another type; exploration of settlement possibilities; preparation of stipulations; clarification of issues; rulings on identity and limitation of the number of witnesses; objections to proffers of

¹ Application for Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, December 12, 2012, paragraphs 1, 3 (Application, ¶¶ 1,3).

evidence; determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form, and the extent to which telephone or other electronic means will be used as a substitute for proceedings in person; order of presentation of evidence and cross-examination; rulings regarding issuance of subpoenas; discovery orders and protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing.

3. The Commission concludes that a prehearing officer should be designated for this proceeding to conduct any prehearing conferences that might be needed and to address any matters that are appropriately considered in a prehearing conference, including all items listed in KAPA at K.S.A. 77-517(b). The Commission designates Brian G. Fedotin, Advisory Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604-4027, telephone number 785-271-3105, email address <u>b.fedotin@kcc.ks.gov</u>, to act as Prehearing Officer in this proceeding. K.S.A. 2011 Supp. 77-514; K.S.A. 77-516; K.S.A. 2011 Supp. 77-551. The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

- A. The Commission designates Brian G. Fedotin to act as Prehearing Officer in this proceeding. The Commission directs the Prehearing Officer to work with the parties to develop a procedural schedule in this docket.
- B. Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529(a)(1).
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chairman;	Wright,	Commissioner;	Albrecht.	Commissioner.
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Dated: ______ JAN 0 2 2013

ORDER MAILED JAN 0 3 2013

Patrice Petersen-Klein Executive Director

BGF/mch

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NO. CERT. COPIES NO. PLAIN COPIES

NAME AND ADDRESS

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BRIAN G. FEDOTIN, ADVISORY COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***

ORDER MAILED JAN 03 2013

The Docket Room hereby certified that on this ____ day of ______, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NO. CERT. COPIES NO. PLAIN COPIES

NAME AND ADDRESS

JUDY JENKINS, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***

ORDER MAILED JAN 03 2013