

**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
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PREHEARING OFFICER'S ORDER SETTING PROCEDURAL SCHEDULE

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. The Commission has designated Brian Fedotin, Advisory Counsel, to act as Prehearing Officer in this proceeding. Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On December 12, 2012, Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills) filed an application for approval of a new Gas System Reliability Surcharge.
2. On January 18, 2013, the parties filed a Joint Motion for Procedural Schedule.
3. Finding the agreed upon proposed schedule to be reasonable, the Commission adopts the following:

| <u>Date & Time</u> | <u>Action</u> |
|-------------------------------|---|
| February 7, 2013 at 3:00 pm | Staff Report & Recommendation due |
| February 15, 2013 at 3:00 pm | Black Hills' and CURB's Responses due |
| February 22, 2013 at 3:00 pm | Staff's Reply Comments to Black Hills and CURB due; CURB's and Black Hills' |

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| | Replies to each others responses due |
| February 27, 2013 at 9:00 am | Settlement Conference |
| March 7, 2013 | Settlement Agreement with testimony due (if necessary); deadline for motions; list of contested issues due |
| March 8, 2013, at 10:00 am (1 st Fl. Hearing Room) | Prehearing Conference |
| March 18, 2013, at 1:30 pm (1 st Fl. Hearing Room) | Evidentiary Hearing / Oral Argument |
| April 12, 2013 | Order due |

4. A prehearing conference is necessary prior to an evidentiary hearing to address any pending matters, to establish procedures for the evidentiary hearing, and to consider any other prehearing issues, which may promote the orderly and prompt conduct of this proceeding. K.S.A. 77-517; K.A.R. 82-1-222. Accordingly, the Prehearing Conference is set for March 8, 2013, beginning at 10:00 a.m. in the Commission's First Floor Hearing Room, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. Prehearing Officer Brian G. Fedotin, telephone (785) 271-3105, email address b.fedotin@kcc.ks.gov, will preside. Any party who fails to attend or participate in the Prehearing Conference or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act (KAPA). K.S.A. 77-516(c)(8); K.S.A. 77-520. At the Prehearing Conference, this proceeding may be converted without further notice into a conference hearing or summary proceeding for disposition of the matter as provided by KAPA. K.S.A. 77-5169(c)(7).

5. In addition to the Prehearing Conference discussed above, an Evidentiary Hearing, with the Commission presiding, is scheduled for March 18, 2013, at 1:30 p.m., in the Commission's First Floor Hearing Room, 1500 SW Arrowhead Road, Topeka, Kansas 66604-

4027. Any party who fails to attend or participate in the hearing or other stage of this proceeding may be held in default under the KAPA. K.S.A. 77-516(c)(8); K.S.A. 77-520.

6. The agreement of the parties to serve each other electronically, provide confidential information on a compact disc, and waive receipt of a follow-up hard copy as required in K.A.R. 82-1-216(a)(c) is adopted. Electronic service shall occur by 3:00 p.m. on the date due, unless otherwise set forth in this or another order. The parties shall specify this electronic service constitutes official service and that no hard copy will follow, making clear that paper copies will not be provided to the parties. In addition, the parties shall include the Prehearing Officer on all electronic service of testimony and briefs at b.fedotin@kcc.ks.gov. The parties are still required to file the original and seven paper copies with the Commission by 5:00 p.m., on the date scheduled for service. K.A.R. 82-1-215(a). Any electronic service or filing received after the deadline set forth in the procedural schedule, shall be accompanied by a Motion to File Out of Time.

7. Judy Jenkins is the attorney designated to appear on behalf of the agency in this proceeding. Her contact information is: telephone number 785-271-3181, email address j.jenkins@kcc.ks.gov, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. K.S.A. 2011 Supp. 77-518(c)(2); K.S.A. 77-516(c)(2).

WHEREFORE THE PREHEARING OFFICER FINDS AND CONCLUDES AS FOLLOWS:

- A. The procedural schedule set forth above is adopted.
- B. The Prehearing Conference is scheduled for March 8, 2013, beginning at 10:00 a.m., in the First Floor Hearing Room of the Commission's offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. Prehearing Officer Brian G. Fedotin will preside.

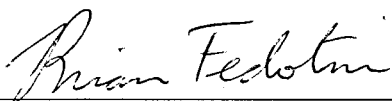
C. The Evidentiary Hearing will begin March 18, 2013, at 1:30 p.m., in the First Floor Hearing Room of the Commission's offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. Any party who fails to attend or participate in the hearing or in any other stage of this proceeding may be held in default under the KAPA. K.S.A. 77-516(c)(8); K.S.A. 77-520.

D. Electronic service is approved for all testimony and briefs among the parties, and for orders of the Commission and Prehearing Officer, without follow-up hard copies. But the Commission requires the filing of the original and seven paper copies with the Commission.

E. This Order shall be served by electronic mail, with a note that no hard copy will follow. This Order is procedural and constitutes non-final agency action. K.S.A. 77-607(b)(2). Parties have 15 days from the date of electronic service of this Order to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529(a)(1).

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

Dated: 1/23/13



Brian G. Fedotin
Prehearing Officer

BGF

CERTIFICATE OF SERVICE

JAN 23 2013

13-BHCG-404-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Prehearing Officer's Order Setting Procedural Schedule was served by electronic mail this 23rd day of January, 2013, to the following parties who have waived receipt of follow-up hard copy:

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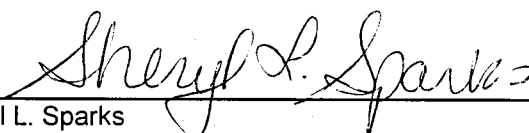
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Sheryl L. Sparks
Administrative Specialist

ORDER MAILED JAN 24 2013