

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Mid-Kansas)
Electric Company, LLC for Approval to Make) Docket No. 12-MKEE-410-RTS
Certain Changes in its Charges for Electric)
Services in the Geographic Service Territory)
Served by Lane Scott Electric Cooperative, Inc.)

Received
on

JAN 16 2013

by
State Corporation Commission
of Kansas

CURB'S MOTION TO TAKE ADMINISTRATIVE NOTICE

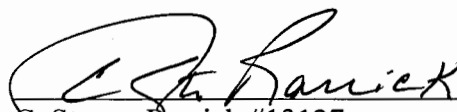
COMES NOW, the Citizens' Utility Ratepayer Board ("CURB"), and pursuant to K.A.R. 82-1-230(h), requests the Commission take administrative notice of the following:

- Order Setting Revenue Requirements, October 14, 2002, KCC Docket No. 02-S&TT-390-AUD.
<http://estar.kcc.ks.gov/estar/ViewFile.aspx/20021014155602.pdf?Id=3512ec87-241f-475a-b2f4-82c057d1aabe>
- Order, KCC Docket No. 190,362-U, March 17, 1995.
<http://estar.kcc.ks.gov/estar/ViewFile.aspx/19950317000000.pdf?Id=64000a5e-bcef-4446-9563-40152635bda7>
- Joint Motion for Approval of Settlement Agreement, and attached Stipulation and Agreement, January 10, 2007, KCC Docket No. 06-MKEE-524-ACQ.
<http://estar.kcc.ks.gov/estar/ViewFile.aspx/20070110165448.pdf?Id=002190d2-74c5-4475-ab9f-65a38f3a3897>
- Order Adopting Stipulation and Agreement, February 23, 2007, KCC Docket No. 06-MKEE-524-ACQ.
<http://estar.kcc.ks.gov/estar/ViewFile.aspx/20070223114828.pdf?Id=36170e66-d27d-4e2b-8d65-b613ab434f9a>
- David Dittimore Testimony in Support of Settlement, January 10, 2007, KCC Docket No. 06-MKEE-524-ACQ.
<http://estar.kcc.ks.gov/estar/ViewFile.aspx/20070111093247.pdf?Id=da137f49-6108-4071-9356-033c28d426e0>

- Earl Watkins, Jr. Testimony in Support of Settlement, January 10, 2007, KCC Docket No. 06-MKEE-524-ACQ.
<http://estar.kcc.ks.gov/estar/ViewFile.aspx/20070111102023.pdf?Id=5919028e-28e2-4354-979e-3902ae580053>
- Earl Watkins, Jr. Supplemental Testimony in Support of Settlement, January 11, 2007, KCC Docket No. 06-MKEE-524-ACQ.
<http://estar.kcc.ks.gov/estar/ViewFile.aspx/20070112110112.pdf?Id=2d6eead8-c76f-4590-8bc6-a3652d10c03e>
- Acknowledgement of the Terms and Conditions of Stipulation and Agreement, March 19, 2007, KCC Docket No. 06-MKEE-524-ACQ.
<http://estar.kcc.ks.gov/estar/ViewFile.aspx/20070319115408.pdf?Id=6e51d684-eb28-4e45-b287-42c2d7aadf62>
- Transcript of Proceedings, pp. 1-6, July 18, 2012, KCC Docket No. 12-ATMG-564-RTS, (copies of relevant pages attached, transcript not available on Commission website).
- Joint Motion to Approve Stipulation and Agreement, KCC Docket No. 12-ATMG-564-RTS, <http://estar.kcc.ks.gov/estar/ViewFile.aspx/20120705161458.pdf?Id=903a58c4-a121-4b59-beda-223113e7926c>

WHEREFORE, CURB respectfully requests that the Commission grant its request to take administrative notice of the above documents contained in Commission files and records.

Respectfully submitted,




Steven Barrick #13127
 David Springe #15619
 Niki Christopher #19311
 Citizens' Utility Ratepayer Board
 1500 SW Arrowhead Road
 Topeka, KS 66604
 (785) 271-3200
 (785) 271-3116 Fax

VERIFICATION

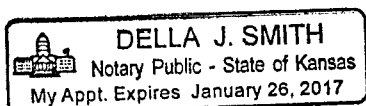
STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

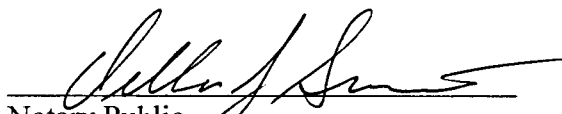
I, C. Steven Rarrick, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for the above named petitioner; that he has read the above and foregoing document, and, upon information and belief, states that the matters therein appearing are true and correct.


C. Steven Rarrick

SUBSCRIBED AND SWORN to before me this 16th day of January, 2013.




Notary Public

My Commission expires: 01-26-2017.

12-MKEE-410-RTS
Transcript of Proceedings
Pages: 1-6

Rec'd JUL 26 2012

Consumer Counsel 8:59:44AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE STATE CORPORATION COMMISSION

OF THE STATE OF KANSAS

In the Matter of the Application of)
Atmos Energy for Adjustment of Its) Docket No.
Natural Gas Rates in the State of) 12-ATMG-564-RTS
Kansas.)

T R A N S C R I P T

O F

P R O C E E D I N G S

held on the 18th day of July, 2012, commencing at the
hour of 9:00 a.m. at the Kansas Corporation
Commission, 1500 Arrowhead, Topeka, Shawnee County,
Kansas, before Chairman Mark Sievers and Commissioner
Thomas E. Wright.

HEDBERG & FOSTER REPORTING, INC.
Certified Shorthand Reporters
P.O. Box 67353
Topeka, Kansas 66667
785-272-7337

APPEARANCES

On Behalf of the Kansas Corporation Commission Staff:

MS. HOLLY FISHER
MR. RAY BERGMEIER
Kansas Corporation Commission
Assistant General Counsel
1500 Arrowhead
Topeka, Kansas 666041

On Behalf of CURB:

MS. NIKI CHRISTOPHER
Consumer Counsel
Citizens' Utility Ratepayers Board
1500 Arrowhead Road
Topeka, Kansas 66604

On Behalf of Atmos Energy:

MR. JAMES G. FLAHERTY
Anderson & Byrd, LLC
Attorneys at Law
216 South Hickory
Ottawa, Kansas 66067

MR. JAMES PRICE
Atmos Energy Corporation
Attorney at Law
5430 LBJ Freeway
Dallas, Texas 75265

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

1		
2	Opening Statements by Mr. Flaherty -----	6
	Opening Statements by Ms. Fisher -----	22
3	Opening Statements by Ms. Christopher -----	28

W I T N E S S E S

On Behalf of Atmos Energy Corporation:

MR. JOE CHRISTIAN

6	Direct Examination by Mr. Flaherty -----	30
7	Commission Examination -----	33
	Redirect Examination by Mr. Flaherty -----	83
8	Cross Examination by Ms. Christopher -----	87

MR. GARY SMITH

9	Direct Examination by Mr. Flaherty -----	127
10	Commission Examination -----	128

MR. B. JIM PAUL

11	Direct Examination by Mr. Flaherty -----	137
12	Commission Examination -----	134

On Behalf of the Corporation Commission Staff:

MS. DOROTHY MYRICK

14	Direct Examination by Ms. Fisher -----	89
15	Commission Examination -----	90
	Redirect Examination by Ms. Fisher -----	115
16	Cross Examination by Ms. Christopher -----	122

MS. LAURA BOWMAN

17	Direct Examination by Ms. Fisher -----	135
18	Commission Examination -----	136

On Behalf of CURB:

MR. BRIAN KALCIC

20	Direct Examination by Ms. Christopher -----	139
21	Commission Examination -----	140

E X H I B I T S

	<u>Number</u>	<u>Marked</u>	<u>Admitted</u>
23	Atmos 1	4	-
	Atmos 2	32	32
24	Atmos 3	33	33
25	Staff 1	22	-

1 (Thereupon, Atmos Exhibit No. 1
2 was marked for identification.)

3 CHAIRMAN SIEVERS: Good morning. I will 09:01:12AM
4 convene the hearing on the proposed settlement in the 09:01:14AM
5 Application of Atmos Energy for adjustment of its 09:01:16AM
6 natural gas rates in the State of Kansas, Docket No. 09:01:18AM
7 12-ATMG-564-RTS. I think we can start with the entry 09:01:22AM
8 of appearances. 09:01:26AM

9 MR. FLAHERTY: Yes, James G. Flaherty, 09:01:26AM
10 Ottawa, Kansas, and James Price, Dallas, Texas, on 09:01:30AM
11 behalf of the Applicant, Atmos Energy. And, Mr. 09:01:32AM
12 Chairman, at the appropriate time I would ask that Mr. 09:01:38AM
13 Price, who is an attorney in good standing with the 09:01:40AM
14 bar in the State of Texas be admitted to practice for 09:01:42AM
15 purposes of this case. 09:01:48AM

16 CHAIRMAN SIEVERS: Okay. Are there any 09:01:48AM
17 objections to that? 09:01:50AM

18 MS. FISHER: No objections. 09:01:52AM

19 CHAIRMAN SIEVERS: I would so order. I 09:01:52AM
20 think you need to administer an oath. 09:01:54AM

21 (Mr. Price was sworn on his oath 09:01:54AM
22 by the reporter.) 09:02:22AM

23 CHAIRMAN SIEVERS: Thank you. Welcome 09:02:22AM
24 to the bar of Kansas. 09:02:24AM

25 MR. PRICE: Thank you very much. 09:02:26AM

1 MS. FISHER: Holly Fisher, Topeka,
2 Kansas, and Ray Bergmeier, Topeka, Kansas, on behalf
3 of the Commission and the public generally.

4 MS. CHRISTOPHER: Niki Christopher on
5 behalf of the Citizens' Utility Ratepayer Board.

6 CHAIRMAN SIEVERS: Does Staff have a
7 recommendation with regard to notice?

8 MS. FISHER: Yes. The prehearing
9 officer in the July 11, 2012 Order Granting the Joint
10 Motion to Convert Evidentiary Hearing to Settlement
11 Agreement and To Convene Settlement Hearing on
12 July 18, 2012, set this date, time and place for the
13 settlement hearing in this matter. Staff recommends
14 that notice is proper.

15 CHAIRMAN SIEVERS: Are there any
16 objections? Hearing none, I would so order, and I
17 would find that notice is proper and the Commission
18 has jurisdiction over this proceeding at this time and
19 place. Before we turn to procedure in the hearing, do
20 the parties have any preliminary matters they wish to
21 address? Or things that you want the Commission to
22 take administrative notice of?

23 MR. FLAHERTY: No, Your Honor. And
24 under the Stipulation and Agreement, Staff and Atmos
25 have agreed that all of the prefiled testimony and

09:02:26AM

09:02:28AM

09:02:32AM

09:02:34AM

09:02:36AM

09:02:38AM

09:02:40AM

09:02:42AM

09:02:44AM

09:02:48AM

09:02:48AM

09:02:52AM

09:02:56AM

09:02:58AM

09:03:00AM

09:03:02AM

09:03:04AM

09:03:06AM

09:03:10AM

09:03:14AM

09:03:18AM

09:03:22AM

09:03:24AM

09:03:26AM

09:03:28AM

1 exhibits including those that were filled by CURB 09:03:32AM
2 would be referred into the record and that parties 09:03:36AM
3 have agreed to waive cross examination of those 09:03:40AM
4 witnesses. 09:03:44AM

5 CHAIRMAN SIEVERS: And I understand that 09:03:46AM
6 CURB is not joining the Settlement Agreement, is that 09:03:48AM
7 correct? 09:03:50AM

8 MS. CHRISTOPHER: That's correct. But 09:03:50AM
9 we are not, we are not presenting any testimony in 09:03:52AM
10 opposition to it. 09:04:00AM

11 CHAIRMAN SIEVERS: Okay. Are there any 09:04:02AM
12 other preliminary matters? 09:04:02AM

13 MS. FISHER: Staff has none. 09:04:02AM

14 CHAIRMAN SIEVERS: And I understand that 09:04:04AM
15 the parties wish to make brief opening statements. 09:04:06AM
16 Beginning with Atmos? 09:04:08AM

17 MR. FLAHERTY: Yes. Thank you. The 09:04:10AM
18 purpose of this hearing today is to submit the 09:04:50AM
19 Stipulation and Agreement that was entered into 09:04:54AM
20 between the Commission Staff and Atmos Energy for 09:04:58AM
21 approval by the Commission. The Stipulation and 09:05:02AM
22 Agreement was filed by Staff and Atmos Energy on 09:05:06AM
23 July 5th of 2012. It came about as a result of 09:05:10AM
24 settlement negotiations during a settlement conference 09:05:16AM
25 that was scheduled by the Commission. All parties, 09:05:20AM

CERTIFICATE OF SERVICE

12-MKEE-410-RTS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service this 16th day of January, 2013, to the following parties who have waived receipt of follow-up hard copies:

RAY BERGMEIER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
r.bergmeier@kcc.ks.gov

SAMUEL FEATHER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
s.feather@kcc.ks.gov

HOLLY FISHER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
h.fisher@kcc.ks.gov

RENEE K. BRAUN, CORPORATE PARALEGAL, SUPERVISOR
MID-KANSAS ELECTRIC COMPANY, LLC
301 WEST 13TH STREET
PO BOX 980
HAYS, KS 67601
rbraun@sunflower.net

DON GULLEY, VP, SENIOR MANAGER
REGULATORY RELATIONS AND BILLING
MID-KANSAS ELECTRIC COMPANY, LLC
301 WEST 13TH STREET
PO BOX 980
HAYS, KS 67601
dgulley@sunflower.net

L. DOW MORRIS, INTERIM GENERAL MANAGER
LANE-SCOTT ELECTRIC COOPERATIVE, INC.
PO BOX 758
DIGHTON, KS 67839-0758
dow.morris@lanescott.coop

MARK D. CALCARA, ATTORNEY
WATKINS CALCARA CHTD.
1321 MAIN STREET SUITE 300
PO DRAWER 1110
GREAT BEND, KS 67530
mcalcara@wcrf.com

LINDSAY SHEPARD, EXECUTIVE MANAGER CORPORATE COMPLIANCE &
ASSOCIATE GENERAL COUNSEL
SUNFLOWER ELECTRIC POWER CORPORATION
301 W. 13TH
PO BOX 1020 (67601-1020)
HAYS, KS 67601
lshepard@sunflower.net

GLEND A. CAFER, ATTORNEY
CAFER LAW OFFICE, L.L.C.
3321 SW 6TH STREET
TOPEKA, KS 66606
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY
CAFER LAW OFFICE, L.L.C.
3321 SW 6TH STREET
TOPEKA, KS 66606
terri@caferlaw.com


Della Smith
Administrative Specialist