

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

MOTION FOR WAIVER

Black Hills/Kansas Gas Utility Company LLC, d/b/a Black Hills Energy (“Black Hills” or “Applicant”) submits the following motion pursuant to K.S.A. 66-1,201, 66-1,207, 77-526 and K.A.R. 82-1-202, K.A.R. 82-11-6, and other applicable statutes and regulations. Applicant is requesting waiver of certain provisions of its Kansas Corporation Commission (“Commission”) approved tariff in order to address the extreme February 2021 weather event (“Cold Weather Event”).

In support of its motion, Black Hills states as follows:

I. INTRODUCTION

1. Black Hills is a limited liability company with its principal place of business in Kansas located at 601 N. Iowa Street, Lawrence, Kansas 66044. Black Hills is duly authorized to transact business in the State of Kansas, holds appropriate certificates from the Commission to transact business as a natural gas public utility and is now and has been engaged in the purchase, transmission, sale and distribution of natural gas in the State of Kansas in accordance with the laws of said state and the rules and regulations of the Commission. Black Hills serves approximately 117,000 customers in 65 communities and in 48 surrounding counties in Kansas.

2. The names, addresses and phone numbers of the persons authorized to receive notices and communications with respect to this Application on behalf of Black Hills are as follows:

Jeff Dangeau
Associate General Counsel
Black Hills Corporation
655 E. Millsap Rd.
Fayetteville, AR 72703
Phone: (479) 601-8174
Jeff.Dangeau@blackhillscorp.com

Thomas D. Stevens
Director of Regulatory and Finance
Black Hills Corporation
655 Millsap Rd.
Fayetteville, AR 72703
(479) 601-8201
tom.stevens@blackhillscorp.com

3. On March 23, 2021, in Docket No. 21-BHCG-370-MIS, Black Hills submitted an application for waiver seeking a temporary waiver of certain provisions of its Commission approved tariff in order to address the Cold Weather Event until Black Hills determined what penalties would be assessed by the pipelines regulated by the Federal Energy Regulatory Commission (“Pipelines”). Specifically, Black Hills requested a temporary waiver of its tariff to allow it to not charge transportation customers the Daily Out-of-Balance Charge based on Operational Flow Days (“OFO”) or System Overrun or Critical Days and to not charge the Unauthorized Delivery Charge, both of which are contained within Index No. 37 of Black Hills’ tariff. Black Hills did not seek a waiver of the Daily Out-of-Balance Charge for a Normal Day and applied that charge to transportation customers’ bills, as applicable, in the billing cycle for February 2021.

4. The Commission approved the temporary waiver on April 22, 2021. This motion seeks Commission approval to extend the waiver without prejudice.

II. MOTION FOR WAIVER WITHOUT PREJUDICE

1. Black Hills has evaluated both the penalties assessed to it by the Pipelines and the charges applicable under Black Hills' Commission approved tariff and has determined that it is in the transportation customers' best interest not to be charged the daily penalties based on OFO days or System Overrun or Critical Days and the Unauthorized Delivery Charge. Black Hills has also determined that sales customers will not be harmed by extension of the waiver because the waiver will not result in any costs caused by transportation customers being shifted to sales customers. As of this date, Black Hills has been charged only minor penalties from Pipelines, which have been more than offset by the Daily Out-of-Balance Charge for a Normal Day billed to transportation customers, as applicable, in the billing cycle for February 2021. Additionally, Black Hills did not incur incremental gas costs on behalf of transportation customers during the Cold Weather Event. Accordingly, Black Hills has determined that the Company did not incur a net increase in costs during the Cold Weather Event on behalf of transportation customers that would be recovered from its sales customers. Therefore, Black Hills requests a waiver of its tariff to allow it to not charge customers the Daily Out-Of- Balance Charge based on OFO days or System Overrun or Critical Days and to not charge the Unauthorized Delivery Charge for the month of February 2021. Although the billing cycle for February has passed, Black Hills reserves the right to request a modification or termination of the waiver in the event Pipelines or non-FERC regulated pipelines subsequently charge Black Hills penalties.

WHEREFORE, for the reasons set forth herein, Black Hills respectfully asks that the Commission issue an order approving its request for the waiver of its tariff as explained above, without prejudice.

Respectfully submitted

/s/ Jeff Dangeau

Jeff Dangeau
Associate General Counsel
Black Hills Corporation
655 E. Millsap Rd.
Fayetteville, AR 72703
Phone: (479) 601-8174
Jeff.Dangeau@blackhillscorp.com

Douglas J. Law
Associate General Counsel
Black Hills Corporation
1731 Windhoek Dr.
Lincoln, NE 68512
(402) XXX-XXXX
douglas.law@blackhillscorp.com

James G. Flaherty, #11177
ANDERSON & BYRD, LLP
216 S. Hickory ~ P.O. Box 17
Ottawa, Kansas 66067
(785) 242-1234, telephone
(785) 242-1279, facsimile
jflaherty@andersonbyrd.com

Attorneys for Black Hills Kansas Gas Utility
Company, LLC, d/b/a Black Hills Energy

VERIFICATION

STATE OF ARKANSAS
COUNTY OF
WASHINGTON, ss:

Jeff Dangeau, of lawful age, being first duly sworn on oath, states:

That he is the attorney for Black Hill/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, named in the foregoing Application for Waiver and is duly authorized to make this affidavit; that he has read the foregoing and knows the contents thereof; and that the facts set forth therein are true and correct.

/s/ Jeff Dangeau

Jeff Dangeau

NOTARY REQUIREMENT WAIVED PURSUANT TO DOCKET NO. 20-GIMX-393-MIS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail this 28th day of May 2021, addressed to:

Terri Pemberton
t.pemberton@kcc.ks.gov

Jeffery McClanahan
j.mcclanahan@kcc.ks.gov

David W. Nickel
d.nickel@curb.kansas.gov

Della Smith
d.smith@curb.kansas.gov

Shonda Rabb
s.rabb@curb.kansas.gov

/s/ Jeff Dangeau _____

Jeff Dangeau