

Received  
on

OCT 07 2011

by  
State Corporation Commission  
of Kansas

**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 Hills Energy, for Approval of ) Docket No. 12-BHCG-055-TAR  
the Commission for Gas System )  
Reliability Surcharge per K.S.A. 66-2201- )  
through 66-2204. )

**JOINT MOTION TO WAIVE PREHEARING CONFERENCE AND  
EVIDENTIARY HEARING**

The Staff of the State Corporation Commission of the State of Kansas (Staff), Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills) and the Citizens' Utility Ratepayer Board (CURB) file this joint motion requesting the Commission approve the Joint Motion to waive the October 13, 2011 Prehearing Conference and the October 19, 2011 Hearing/Oral Argument as scheduled in the Commission's September 14, 2011 Order Granting Staff's Amended Unopposed Motion for Procedural Schedule, Appointing Prehearing Officer, and Granting Curb Intervention and instead place this matter on the Commission's consent calendar for disposition. In support of their Motion, the parties state as follows:

1. On July 15, 2011, Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (Company) filed an application for a new tariff schedule pursuant to the Gas Safety And Reliability Policy Act, K.S.A. 66-2201 through 66-2204.

2. On or about July 27, 2011, the Citizen's Utility Review Board (CURB) filed a Petition to Intervene in this matter.

3. Staff and CURB have reviewed Black Hill's Application for a Gas Safety and Reliability Tariff (GSRs).

4. On September 12, 2011, Staff filed its Report and Recommendation (Report) in accordance with K.S.A. 2010 Supp. 66-2204(b)(2). The Report recommended the approval of the GSRs as filed with a disallowance for main replacement projects identified in Black Hill's Exhibits JAW-1 and JAW-2 of Mr. Jerry Watkins Direct Testimony.

5. On September 14, 2011, Staff filed a Revised Report and Recommendation increasing the recommended revenue requirement from \$623,150 to \$627,523. The revision also increased Staff's initial total GSRs revenue per year recommendation from \$1,635,496 to \$1,639,869.

6. On September 19, 2011, Black Hills filed a Response to Staff Report and Recommendation. In this response, Black Hills agreed with Staff's position that "replacement projects due to third party damage do not meet the requirements of GSRs."<sup>1</sup> Additionally, Black Hills' response provided actual numbers to replace the estimated figures used by Staff in its estimation of the expense to be recommended for disallowance.

7. On September 30, 2011, Staff filed its Second Revised Report and Recommendation. In this filing, Staff merely restated its initial position using the actual figures provided by Black Hills.

8. At this time, the parties each agree that there are no contested issues in this matter and request the Commission issue an order approving Black Hills GSRs Tariff application as amended by Staff's recommendations and supported by Black Hills.

9. Additionally, the parties request that the Commission issue an order removing from the Commission's calendar the Prehearing Conference scheduled in this matter for October

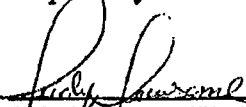
---

<sup>1</sup> Response to Staff Report and Recommendation, paragraph 1, page 1, filed September 19, 2011.

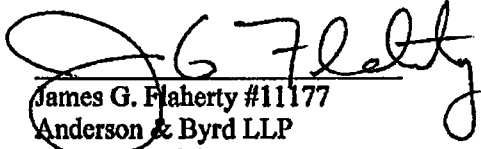
13, 2011 and the Hearing/Oral Argument scheduled for October 19, 2011 and to place this matter on the Commission's consent calendar for disposition.

WHEREFORE, the Parties respectfully request the Commission grant this Motion to remove the Prehearing Conference and Hearing/Oral Argument from the Commission calendar and to decide this matter without an evidentiary hearing.


Respectfully submitted,

  
\_\_\_\_\_  
Judy Jewsome, (#23300)  
Assistant General Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604  
(785) 271-3181 (Telephone)  
(785) 271-3167 (Facsimile)  
[j.jewsome@kcc.ks.gov](mailto:j.jewsome@kcc.ks.gov) (Email)

For Commission Staff

  
\_\_\_\_\_  
James G. Flaherty #11177  
Anderson & Byrd LLP  
216 South Hickory Street  
P.O. Box 17  
Ottawa, Kansas 66067  
785-242-1234 (Telephone)  
785-242-1279 (Facsimile)  
[jflaherty@andersonbyrd.com](mailto:jflaherty@andersonbyrd.com)

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

  
\_\_\_\_\_  
David Springe, (#15619)  
Citizens Utility Ratepayer Board  
1500 SW Arrowhead Road

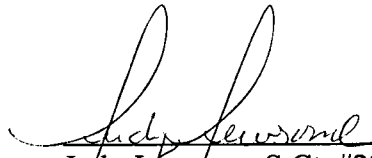
Topeka, Kansas 66604  
(785) 271-3200 (Telephone)  
(785) 271-3116 (Facsimile)  
[n.christopher@curb.kansas.gov](mailto:n.christopher@curb.kansas.gov) (Email)

For CURB

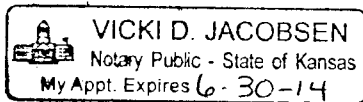
**VERIFICATION**

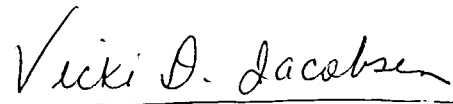
STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SHAWNEE            )

Judy Jewsome, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Joint Motion to Waive Prehearing Conference and Evidentiary Hearing* and attests that the statements therein are true to the best of her knowledge, information and belief.

  
\_\_\_\_\_  
Judy Jewsome, S.Ct. #23300  
Assistant Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of October, 2011.



  
\_\_\_\_\_  
Vicki D. Jacobsen  
Notary Public

**CERTIFICATE OF SERVICE**

12-BHCG-055-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Joint Motion to Waive Prehearing Conference and Evidentiary Hearing was served via electronic service this 7th day of October, 2011, to the following:

JAMES G. FLAHERTY, ATTORNEY  
ANDERSON & BYRD, L.L.P.  
216 SOUTH HICKORY  
PO BOX 17  
OTTAWA, KS 66067  
Fax: 785-242-1279  
jflaherty@andersonbyrd.com

NIKI CHRISTOPHER, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
n.christopher@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

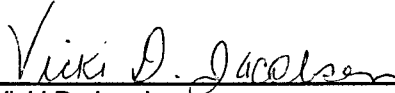
C. STEVEN RARRICK, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
s.rarrick@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

DELLA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.smith@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

SHONDA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
sd.smith@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

DAVID SPRINGE, CONSUMER COUNSEL  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.springe@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

JUDY JEWSOME, ASSISTANT LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3167  
j.jewsome@kcc.ks.gov  
\*\*\*Hand Delivered\*\*\*

  
\_\_\_\_\_  
Vicki D. Jacobsen