

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of a General Investigation into)
the Confidential Status of Certain Documents) Docket No. 24-GIMX-376-GIV
Related to Costs Incurred During Winter Storm)
Uri.

PETITION FOR INTERVENTION

COMES NOW James P. Zakoura, Requestor of Public Records, pursuant to the Kansas Open Records Act (“KORA”) (K.S.A. 45-215 et. seq.) in KCC Docket No. 24-GIMX-238-MIS, and respectfully requests that the State Corporation Commission of the State of Kansas (“Commission” or “KCC”) permit Requestor to Intervene in this KCC Docket. In support thereof, Requestor states as follows:

1. On August 23, 2023, James Zakoura requested, pursuant to K.S.A. 45-215, that the redacted invoices listed ... in Docket No. 2 I-BKGC-334-GIG dated 12/31/2021, be replaced with un-redacted copies of those same invoices ... [or] in the alternative ... un-redacted copies of those invoices be made available to Requestor.

2. The invoices requested relate to the price of natural gas paid by Black Hills/Kansas Gas Utility Company, LLC d/b/a Black Hills Energy (Black Hills) during Winter Storm Uri. Requestor stated that the records requested would permit an examination of whether the payments made to Black Hills' suppliers were consistent with Kansas law.

3. On October 12, 2023, the Commission denied Requestor’s KORA Request pursuant to K.S.A. 45-221(a)(1) and K.S.A. 66-1220(a), finding that disclosure was not warranted after assessing the four-factor test found in K.S.A. 66-1220(a).

4. On October 16, 2023, Requestor filed a Petition for Reconsideration.

5. Requestor's Petition for Reconsideration, in KCC Docket No. 24-GIMX-238-MIS, was granted by the Commission on November 9, 2023, subject to the terms stated in the Commission's Order on Reconsideration. The Commission held that Requestor's KORA Request would be further addressed in this Docket, to wit:

“14. The Commission has recently received several other KORA requests related to gas costs during Winter Storm Uri incurred by other jurisdictional utilities. Given the unique nature of the events of Winter Storm Uri and the amount of time that has passed, the Commission finds a more robust investigation is appropriate in this matter. Mr. Zakoura's Petition for Reconsideration is granted to allow for additional proceedings.

15. Because multiple utilities designated Winter Storm Uri natural gas invoices as confidential, the Commission orders a general investigation opened to holistically consider the confidential status of certain documents related to costs incurred during Winter Storm Uri. The Commission expects its general investigation will resolve confidentiality issues for multiple documents, including those requested in the present docket. The documents requested in this docket will remain under seal until such issues are resolved.

THEREFORE, THE COMMISSION ORDERS:

A. Mr. Zakoura's Petition for Reconsideration is granted subject to the terms above.

B. The Commission orders a general investigation opened to holistically consider the confidential status of certain documents related to costs incurred during Winter Storm Uri.”

6. Requestor has filed the following KORA Requests with regards to “Public Records” in the possession of the KCC:

- Kansas Gas Service – dated October 16, 2023
- Atmos Energy – dated October 15, 2023
- Evergy Kansas Central – dated October 17, 2023
- Empire District Electric (Liberty) – dated November 8, 2023

7. To the best of his knowledge, Requestor believes that the KORA Requests set forth in Paragraph No. 6, will be addressed in this KCC Docket No. 24-GIMX-376-GIV.

8. Pursuant to K.A.R. 82-1-225, Requestor's legal rights, duties, privileges, immunities, and other legal interests will be substantially affected by this Docket, to wit: the KORA Requests of Requestor for Public Records of the KCC as related to Black Hills, Kansas Gas Service, Atmos Energy, Evergy Kansas Central, and Empire District Electric (Liberty) will be determined in this Docket.

9. Requestor requests the opportunity to cross examine all witnesses that are presented in this Docket, in person, at the Commission Office in Topeka, Kansas.

WHEREFORE, James P. Zakoura ("Requestor") respectfully requests that he be granted Intervention in this Docket, and that the Commission grant to him the full rights under Kansas law, available to Intervenors.

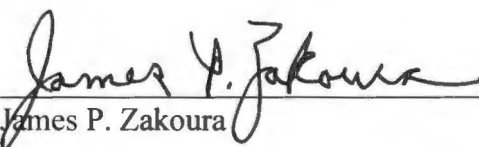
Respectfully submitted,

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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

James P. Zakoura, being duly sworn upon his oath, deposes and states that he has read and is familiar with the foregoing *Petition for Intervention*, and the statements therein are true to the best of his knowledge, information, and belief.



James P. Zakoura

SUBSCRIBED AND SWORN to before me this 10th day of November 2023.



Notary Public

My Appointment Expires:



CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was electronically filed with the Kansas Corporation Commission and that one copy was delivered electronically to all parties on the service list on the 10th of November 2023, as follows:

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