2013.02.06 09:45:32 Kansas Corporation Commission /S/ Patrice Petersen-Klein

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### THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

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## FEB 0 6 2013

by State Corporation Commission 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 the Commission for Gas System Reliability Surcharge Per K.S.A. 66-2201 through 66-2204

Docket No. 13-BHCG-404-TAR

# CURB'S RESPONSE TO STAFF'S REPORT AND RECOMMENDATION

The Citizens' Utility Ratepayer Board (CURB) responds as follows to the *Report* and *Recommendation* of the Staff of the Kansas Corporation Commission, filed in this docket on February 4, 2013:

1. Black Hills Energy filed an application with the Commission on December 12, 2012, for approval of the Gas System Reliability Surcharge (GSRS) and claimed eligible capital costs of \$7,426,186, which would increase its annual revenue requirement by \$653,330. On February 4, 2013, the Commission Staff filed its *Report and Recommendation* that recommended approval of the GSRS but recommended denying recovery of the costs of three projects that, in Staff's opinion, are not eligible for cost recovery through the GSRS surcharge. Staff recommended an increase of only \$651,140 to Black Hills' GSRS surcharge, and proposed three conditions for approval to be included in the Commission's order.

2. CURB has analyzed Black Hills' application as well as Staff's *Report and Recommendation* and agrees with Staff's conclusions and recommendations concerning Black Hills' filing.

Therefore, CURB concurs with Staff's recommendation and proposed conditions for approval of Black Hills' 2013 GSRS surcharge rider.

Respectfully submitted,

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

STATE OF KANSAS )

COUNTY OF SHAWNEE ) ss:

I, Niki Christopher, of lawful age, being first duly sworn upon her oath states:

That she is an attorney for the Citizens' Utility Ratepayer Board, that she has read the above and foregoing document, and, upon information and belief, states that the matters therein appearing are true and correct.

Niki Christopher

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of February, 2013.

DELLA J. SMITH Notary Public - State of Kansas m My Appt. Expires January 26, 2017

Notary Public

My Commission expires: 01-26-2017.

### **CERTIFICATE OF SERVICE**

#### 13-BHCG-404-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this  $6^{th}$  day of February, 2013, to the following parties who have waived receipt of follow-up hard copies:

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Della Śmith Administrative Specialist