

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Investigation into Black)
Hills Kansas Gas Utility Company d/b/a Black)
Hills Energy Regarding the February 2021) Docket No. 21-BHCG-334-GIG
Winter Weather Events, as Contemplated by)
Docket No. 21-GIMX-303-MIS.)

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 Waiver of Tariff.)

**ORDER GRANTING INTERVENTION TO NATIONAL BEEF
PACKAGING COMPANY, LLC**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. The Commission makes the following findings:

1. On February 15, 2021, pursuant to K.S.A. 77-536(a), the Commission issued an Emergency Order directing all jurisdictional natural gas and electric utilities to coordinate efforts and take all reasonably feasible, lawful, and appropriate actions to ensure adequate transportation of natural gas and electricity to interconnected, non-jurisdictional Kansas utilities.¹ Jurisdictional natural gas and electric utilities were ordered to do everything necessary to ensure natural gas and electricity service continued to be provided to their customers in Kansas.² The Commission authorized every jurisdictional natural gas distribution utility that incurs extraordinary costs associated with ensuring their customers or the customers of interconnected Kansas utilities that are non-jurisdictional to the Commission continue to receive utility service during Winter Storm

¹ Docket No. 21-GIMX-303-MIS (Docket 21-303), Emergency Order, ¶ 3 (Feb. 15, 2021).

² *Id.* ¶ 4.

Uri to defer those costs to a regulatory asset account.³ The Commission mandated that once Winter Storm Uri ended, and after all costs have been accumulated and recorded, each jurisdictional utility is directed to file a compliance report in the 21-303 Docket detailing the extent of such costs incurred, and present a plan to minimize the financial impacts of this event on ratepayers over a reasonable time frame.⁴

2. On March 9, 2021, the Commission issued an Order Adopting Staff's Report and Recommendation (R&R) to Open Company-Specific Investigations.⁵ On July 20, 2021, the Commission deemed it in the public interest, as a matter of judicial efficiency, to consolidate Docket No. 21-BHCG-334-GIG and Docket No. 21-BHCG-370-MIS.⁶

3. On July 15, 2021, National Beef Packaging Company, LLC (National Beef) filed a Petition to Intervene in the 21-334 Docket.⁷ National Beef is a beef processing company with facilities in Liberal, Dodge City, and Kansas City, Kansas. Black Hills serves multiple facilities of National Beef in both Liberal and Dodge City, Kansas. As a result of the cold weather event, National Beef has received a bill for its main Liberal facility in the amount of \$757,200.78 for the month of February, as compared to an invoice of approximately \$68,991 in the prior month.⁸

4. National Beef claims the effects of the cold weather event were particularly acute on them. Further, National Beef claims Black Hills' plans to minimize financial effects of the cold weather event will have a significant cumulative effect on National Beef. National Beef alleges

³ *Id.* ¶ 4.

⁴ *Id.* ¶ 5.

⁵ Order Adopting Staff's R&R to Open Company-Specific Investigations; Order on Petitions to Intervene of Bluemark and CURB; Protective and Discovery Order (Docket No. 21-GIMX-303-MIS) (Mar. 9, 2021).

⁶ Order Consolidating Dockets, Docket No. Docket No. 21-BHCG-334-GIG and Docket No. 21-BHCG-370-MIS, July 20, 2021, ¶ 5.

⁷ National Beef Petition to Intervene (July 15, 2021).

⁸ *Id.* ¶ 5.

the merit and prudence of those cost increases and how Black Hills proposes to allocate those costs, will substantially impact National Beef.⁹

5. The Commission shall grant intervention if the petition: (1) is submitted in writing and properly served; (2) states facts demonstrating the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.¹⁰ The Commission has discretion to grant intervention at any time where intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.¹¹ At any time during a proceeding, the Commission may impose limitations on an intervenor's participation, which may include limiting an intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition, limiting intervenor discovery, cross-examination and other procedures, and requiring intervenors to consolidate their participation in the proceedings.¹²

6. The Commission finds National Beef has met the requirements for intervention in K.S.A. 77-521, and should be granted intervention in this Docket.

7. National Beef shall be added to the mailing list, with service of pleadings, testimony, and other documents directed to:

⁹ *Id.*, ¶ 5.

¹⁰ K.S.A. 77-521(a).

¹¹ K.S.A. 77-521(b)).

¹² K.S.A. 77-521(c)).

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THEREFORE, THE COMMISSION ORDERS:

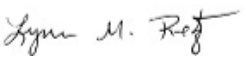
A. National Beef Packaging Company, LLC is granted intervention.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 07/27/2021.

BGF



Lynn M. Retz
Executive Director

CERTIFICATE OF SERVICE

21-BHCG-334-GIG, 21-BHCG-370-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
electronic service on 07/27/2021.

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