

**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 the Commission to Make Certain Changes in its Rates for Natural Gas Service.)
Docket No: 25-BHEG-298-RTS)

PETITION FOR INTERVENTION OF THE KANSAS MUNICIPAL GAS AGENCY

Pursuant to K.S.A. 77-521 and K.A.R. 82-1-225, the Kansas Municipal Gas Agency (KMGA) hereby petitions the State Corporation Commission of the State of Kansas (Commission) for an order granting KMGA’s intervention in the above-captioned matter. In support thereof, KMGA states the following:

1. KMGA is a quasi-municipal corporation duly organized under the laws of the State of Kansas,¹ with its principal place of business at 6300 West 95th Street, Overland Park, Kansas 66212. KMGA is authorized to do business and is conducting business in the State of Kansas on behalf of its 46 municipal members. It is authorized by law to exercise its functional powers relating to, in relevant part, the provisioning of natural gas supplies for its member cities, and provides related transportation, storage, and balancing services for those supplies.²

2. On February 3, 2025, Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (BHE) filed an application seeking approval to make certain changes in its rates for natural gas service (Application). In the Application, BHE explained that it is requesting “to

¹ K.S.A. 12-2901 et seq.

² KMGA has no employees of its own. Rather, pursuant to K.S.A. 12-2901 et seq., and by virtue of an *Interlocal Cooperation Agreement*, the Kansas Municipal Energy Agency (KMEA) provides management and administrative services to KMGA. All employees providing services to KMGA are employees of KMEA. KMEA is a municipal joint action energy agency duly organized pursuant to K.S.A. 12-885 et. seq.

increase its revenues annually by \$17,207,752, rebasing amounts currently collected through the GSRS of \$4.4 million and adjusting \$1.4 million of the Ad Valorem Tax Surcharge ("AVTS") into base rates.³ As part of its request, BHE proposes to change the rates for its Large Volume Transportation Service (LVTS) and its negotiated rate Large Volume Transport customers.⁴ BHE is also requesting “authority from the Commission to file an abbreviated rate case application after the Commission's final order in this proceeding to recover capital investment that is permitted by K.S.A. § 66-128 but not included within this application.”⁵

3. Certain KMGA member cities take Large Volume Transportation Service (LVTS) from BHE, whereas certain other KMGA members have a negotiated transportation rate with BHE. K.S.A. 77-521 provides, in part, that petitions for intervention shall be granted if “the petition states facts demonstrating that 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 intervener under any provision of law... and... the presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.” Further, the Commission has discretion to allow intervention “at any time upon determining that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.”⁶

4. KMGA will or may be bound by any order issued by this Commission and may be substantially affected by the outcome of this proceeding or portions thereof. Further, KMGA’s interests herein are not adequately represented by any other party to this proceeding.

³ Application, p.5, ¶9.

⁴ See, Direct Testimony of Samantha K. Johnson, pp. 36-37; and Direct Testimony of Ethan J. Fritel, pp. 13, 17.

⁵ Application, p.7, ¶14.

⁶ K.S.A. 77.521(b).

5. KMGA notes that a procedural schedule was set in this matter on February 19, 2025. KMGA has reviewed the schedule and is amenable to the dates contained therein. Further, KMGA posits that its intervention will not disrupt or impair the orderly and prompt conduct of the proceedings. Moreover, KMGA's intervention is in the interests of justice because KMGA and at least one of its member cities is directly affected by this proceeding.

6. All pleadings, orders, notices, communications, and other documents relating to this matter should be served on the undersigned counsel, and on the individual(s) listed below:

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WHEREFORE, KMGA respectfully requests the Commission issue an order granting KMGA intervention in this proceeding, and for any and all other such relief the Commission deems just and proper.

Respectfully Submitted,

/s/ Terri J. Pemberton

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing *Petition of Intervention of Kansas Municipal Gas Agency* was electronically served on this 20th day of February 2025, to the following named persons appearing on the Commission’s service list last modified on February 13, 2025:

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