

**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.)

ORDER GRANTING PETITION TO INTERVENE OF FREEDOM PIPELINE, LLC

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. The Commission finds as follows:

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 The Commission authorized every electric and natural gas distribution utility that incurs extraordinary costs associated with ensuring its customers, or the customers of interconnected Kansas utilities that are non-jurisdictional to the Commission, continue to receive utility service during this weather event to defer those costs to a regulatory asset account.²

2. On April 13, 2021, Freedom Pipeline, LLC (Freedom Pipeline) filed a Petition to Intervene.³ Freedom Pipeline holds a certificate of convenience and necessity authorizing it to provide natural gas service in Stevens, Grant, and Seward counties.⁴ Freedom Pipeline states its

¹ Docket 21-GIMX-303-MIS (21-303 Docket), Emergency Order, Ordering Clause ¶ A (Feb. 15, 2021).

² *Id.*, Ordering Clause, ¶ C.

³ Petition to Intervene of Freedom Pipeline, LLC (Apr. 13, 2021).

⁴ *Id.*, ¶ 2.

legal interest may be substantially affected by the decisions in this docket. Freedom Pipeline further states it is owned by and delivers natural gas to six Kansas non-profit utilities.⁵ Freedom Pipeline is a natural gas transport customer of Black Hills. Freedom Pipeline anticipates it will be exposed to increased prices and charges related to gas purchases and deliveries during the Winter Weather Event.⁶

3. There have been no objections to Freedom Pipeline's petition.

4. The Commission shall grant intervention if the petition: (1) is submitted in writing to the presiding officer, with service on all parties named in the Commission's notice of hearing, at least 3 business days before the hearing; (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.⁷ 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 proceedings.⁸ At any time during a proceeding, the Commission may impose limitations on the intervenor's participation, which may include: (1) limiting an intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition; (2) limiting the intervenor's discovery, cross-examination, and other procedures; and (3) requiring intervenors to consolidate their participation in the proceedings.⁹

⁵ *Id.*, ¶ 1.

⁶ *Id.*, ¶ 7.

⁷ K.S.A. 77-521(a); K.A.R. 82-1-225(a).

⁸ K.S.A. 77-521(b); K.A.R. 82-1-225(b).

⁹ K.S.A. 77-521(c); K.A.R. 82-1-225(c).

5. Freedom Pipeline submitted its petition in writing, properly served it in accordance with K.S.A. 77-521(a)(1), and stated facts demonstrating its legal rights and interests may be substantially affected by this proceeding under K.S.A. 77-521(a)(2). The Commission finds Freedom Pipeline meets the requirements for intervention in K.S.A. 77-521 and K.A.R. 82-1-225, and therefore, is granted intervention and full participation in all aspects of this docket.

6. Freedom Pipeline shall be added to the mailing list, with service of electronic notices, pleadings, testimony, orders, communications, and other documents directed to the following:

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THEREFORE, THE COMMISSION ORDERS:

A. Freedom Pipeline, LLC's Petition to Intervene is granted.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 05/13/2021



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

21-BHCG-334-GIG

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 05/13/2021.

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