

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

Before Commissioners: Mark Sievers, Chairman
Thomas E. Wright
Shari Feist Albrecht

In the Matter of the Application of Black)
Hills/Kansas Gas Utility Company, LLC, d/b/a)
Black Hills Energy, for Approval of the) Docket No. 13-BHCG-404-TAR
Commission for Gas System Reliability)
Surcharge Per K.S.A. 66-2201 through 66-)
2204.)

ORDER GRANTING PETITION TO INTERVENE

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined the files, the Commission concludes as follows:

1. On December 12, 2012, Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills) filed a new tariff schedule designed to allow for the adjustment of Black Hills' rates and charges to provide for the recovery of costs for eligible infrastructure system replacements under the Gas Safety and Reliability Act.¹

2. On December 13, 2012, Citizens' Utility Ratepayer Board (CURB) filed a petition to intervene in this docket. In its petition, CURB stated that it has the discretion to intervene on behalf of the interests of residential and small commercial ratepayers in any utility proceeding before the Commission under K.S.A. 66-1223.² CURB claimed that the rates paid and service received by the customers it represents will or may be affected by a Commission

¹ Application for Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, December 12, 2012, paragraphs 1, 3 (Application, ¶¶ 1,3).

² Petition to Intervene and Motion for Protective Order, December 13, 2012, paragraph 2 (CURB Petition, ¶ 2).

decision in this proceeding.³ Further, CURB stated that its interests in the outcome of this proceeding cannot be adequately represented by any other party in this proceeding.⁴

3. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521 (b); K.A.R. 82-1-225(b). At any time during a proceeding, the Commission may impose limitations on an intervener's participation. K.S.A. 77-521 (c).

4. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and should be granted intervention. CURB will be added to the mailing list, service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

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

5. In addition to the counsel of record for CURB listed above, service of electronic notices, pleadings, and correspondence should be delivered to CURB's other designees:

Shonda Smith
Office Manager
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, Kansas 66604
Email: sd.smith@curb.kansas.gov

Della Smith
Administrative Specialist
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, Kansas 66604
Email: d.smith@curb.kansas.gov

³ CURB Petition, ¶ 4.

⁴ CURB Petition, ¶ 6.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Citizens' Utility Ratepayer Board is granted intervention in the above captioned proceeding. Counsel of record for the petitioner, and its other designees, shall receive service of all pleadings in this matter, as set forth above.


B. Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chairman; Wright, Commissioner; Albrecht, Commissioner.

Dated: JAN 0 2 2013


ORDER MAILED JAN 0 3 2013
Patrice Petersen-Klein
Executive Director

BGF/mch

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
JAMES G. FLAHERTY, ATTORNEY ANDERSON & BYRD, L.L.P. 216 SOUTH HICKORY PO BOX 17 OTTAWA, KS 66067		
NIKI CHRISTOPHER, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
C. STEVEN RARRICK, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
SHONDA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
DAVID SPRINGE, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
BRIAN G. FEDOTIN, ADVISORY COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED JAN 03 2013

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

IN RE: DOCKET NO. 13-BHCG-404-TAR

DATE JAN 02 2013

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
JUDY JENKINS, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED JAN 03 2013

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.