

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

In the Matter of a General Investigation Updating)
the Certificates of Convenience and Necessity)
Issued to Kansas Gas Service, a Division of ONE)
Gas, Inc. and Black Hills/Kansas Gas Utility) Docket No: 25-GIMG-114-GIG
Company, LLC d/b/a Black Hills Energy in)
Cowley, Sedgwick, Sumner, Reno, and Rice)
Counties to Provide Retail Natural Gas Service.)

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 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 natural gas supplies and natural gas services for its member cities.²

2. On October 22, 2024, the Commission issued an Order opening a general investigation to update the Certificates of Convenience of Kansas Gas Service, a Division of ONE Gas, Inc. (KGS) and Black Hills/Kansas Gas Utility Company, LLC d/b/a Black Hills Energy

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.

Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (BHE) in the counties of Cowley, Reno, Rice, Sedgwick, and Sumner, Kansas.³

3. In its Order, the Commission identified two issues to resolve as part of this proceeding: “(1) ...the current dispute between KGS and Black Hills regarding the service of territory annexed by City of Goddard in 2009; and (2) ... similar issues relating to the COCs issued to KGS and Black Hills”.⁴

4. The Commission noted that “[a]s cities expand and annex territory, these COCs create ambiguity as to which utility is authorized to provide service within...buffer areas, or “seams” around a city”⁵ and that in order “[t]o avoid further territory disputes, the investigation should focus on developing metes and bounds descriptions for the certificate seams.”

5. KMGA has member-cities in each of the five counties identified in the Commission’s Order.⁶ While the Commission invited “any jurisdictional gas public utility” to participate in this proceeding,⁷ to KMGA’s knowledge, no outreach has been made to the non-jurisdictional, yet affected, cities that own their own natural gas systems in the referenced counties.⁸ Further, none of the cities in the referenced counties were on the service list of the Commission’s Order. KMGA became aware of this proceeding by happenstance.

³ *In the Matter of a General Investigation Updating the Certificates of Convenience and Necessity Issued to Kansas Gas Service, a Division of ONE Gas, Inc. and Black Hills/Kansas Gas Utility Company, LLC d/b/a Black Hills Energy in Cowley, Sedgwick, Sumner, Reno, and Rice Counties to Provide Retail Natural Gas Service*, Order Opening General Investigation and Setting Comment Deadlines (Order), p. 2, ¶ 3.

⁴ *Id.*

⁵ Order, p. 2, ¶ 2.

⁶ Specifically, as follows: Cowley County – Winfield; Reno County – Partridge, Sylvia, Abbyville; Rice – Lyons, Little River; Sedgwick – Cheney, Garden City, Kechi; Sumner – Argonia.

⁷ Order, p. 3, ¶ 5.

⁸ Upon learning of this docket, counsel for KMGA reached out to counsel for all parties to this proceeding, and all were responsive.

6. To assist the Commission with determining the most accurate “metes and bounds description for the certificate seams”, KMGA, on behalf of its member-cities, should be part of that discussion. Having a discussion on city boundaries without input from the affected cities could result in inaccurate results.⁹

7. As noted, certain KMGA member cities are located in the five counties identified in the Commission’s Order. 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.”¹⁰

8. KMGA and its member-cities 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.

9. KMGA notes that a modified procedural schedule was set in this matter on April 24, 2025, but that the parties filed a joint motion on August 20, 2025, to suspend that schedule for 120-days, or until December 18, 2025, to allow for settlement discussions between the Joint

⁹ Similarly, in Docket No. 24-KGSG-237-CON, a municipal meter was inadvertently included in a transaction between Southern Star Pipeline and KGS. KMGA’s participation in that matter on behalf of the affected city assisted with ensuring that municipal utility interests were appropriately represented and protected.

¹⁰ K.S.A. 77.521(b).

Movants.¹¹ It is not KMGAs intent to disrupt or impair the orderly and prompt conduct of the proceedings, and assuming KMGAs is swiftly integrated into the dialogue, there would be no obvious need for any postponement. However, in the event any delay did result, such delay is far outweighed by ensuring the accuracy of the information presented to the Commission by having all affected parties involved in the discussion. As such it is imperative that KMGAs be a part of any settlement discussion involving “seams” and “buffers” around the affected cities. As demonstrated, KMGAs intervention is in the interests of justice because KMGAs and at least one of its member cities is directly affected by this proceeding.

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

¹¹ Joint Motion to Suspend Procedural Schedule, pp. 1-2, ¶ 3. On September 9, 2025, the Commission issued an order granting the joint motion.

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 7th day of October 2025, to the following named persons appearing on the Commission's service list last modified on September 4, 2025:

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