



Douglas J. Law
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March 29, 2024

Lynn M. Retz
Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

PUBLIC VERSION

RE: Docket No. 24-BHCG-___-ACQ
Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy Application for Acquisition and Tariff Revision

Dear Ms. Retz:

Enclosed for filing is an Application for Acquisition and Tariff Revision filed on behalf of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy.

Respectfully submitted,

/s/ Douglas J. Law

Douglas J. Law, KS Bar #29118
Associate General Counsel

DL:ce

cc: Service List
Rob Daniel
Ann Stichler
Nick Smith

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

IN THE MATTER OF THE APPLICATION OF) Docket No. 24-BHCG-652-ACQ
BLACK HILLS/KANSAS GAS UTILITY)
COMPANY, LLC, D/B/A BLACK HILLS)
ENERGY, FOR APPROVAL OF ITS PURCHASE)
OF FARM TAP DOMESTIC METER FACILITIES)
USED TO SERVICE CERTAIN CUSTOMERS)
FROM SOUTHERN STAR AND THE APPROVAL)
OF REVISIONS TO TARIFF LANGUAGE ON)
STORM URI CHARGES FOR NEW ACQUISITIONS)

APPLICATION FOR ACQUISITION AND TARIFF REVISION

Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (“Black Hills” or “Applicant”) submits the following application pursuant to K.S.A 66-117, 66-131, 66-1,201, 66-1,207, 77-526 and K.A.R. 82-1-202, K.A.R. 82-11-6, and other applicable statutes and regulations. Applicant is requesting the State Corporation Commission of the State of Kansas (“Commission”) approve the transfer of certain assets, customers, and accounts related to farm taps from Southern Star Central Gas Pipeline, Inc. (“Southern Star”) to Black Hills under an Asset Purchase Agreement (“APA”) executed between Black Hills and Southern Star and to issue customer-specific certificates of convenience and necessity for Black Hills to serve these farm tap customers.

In conjunction with this request, Black Hills also requests that the Commission approve additional language within the Applicant’s tariff that would exempt newly acquired customers, meeting certain criteria, from the Storm Uri Gas Charge.

In support of its Application, Black Hills states as follows:

I. INTRODUCTION

1. Black Hills is a limited liability company with its principal place of business in Kansas located at 601 N. Iowa Street, Lawrence, Kansas 66044. Black Hills is duly authorized to

transact business in the State of Kansas, holds appropriate certificates from the Commission to transact business as a natural gas public utility and is now and has been engaged in the purchase, transmission, sale and distribution of natural gas in the State of Kansas in accordance with the laws of said state and the rules and regulations of the Commission. Black Hills serves approximately 118,000 customers in sixty-eight communities and in forty-eight surrounding counties in Kansas.

2. The names, addresses and phone numbers of the persons authorized to receive notices and communications with respect to this Application on behalf of Black Hills are as follows:

Douglas J. Law
KS Bar# 29118
Associate General Counsel
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And

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And

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II. ACQUISITION - BACKGROUND

3. Southern Star is a natural gas company engaged in the business of transporting and

storing natural gas in interstate commerce.¹ Although not a primary part of their business structure, Southern Star’s system also includes roughly two thousand domestic meters served directly off of farm taps (hereby referred to as “Domestic Meters”), which they have been actively working to abandon by sale.² These farm taps typically supply gas service to existing primary dwellings and are often installed due to obligations in pipeline easements that provide the grantor of the easement with a right to request a tap on the transmission pipeline that runs through their property.³

4. Southern Star has made the decision to eliminate its ownership and operation of all Domestic Meters by transferring these customers to qualified, local distribution companies such as Black Hills.⁴ By doing so, Southern Star will reduce their administrative and financial burden of owning, operating, and maintaining these meters, while simultaneously ensuring these customers continue to receive safe, reliable service from a company whose primary business is the local distribution of natural gas.⁵

5. On April 8, 2021, in Docket Number CP20-489-000, the Federal Energy Regulatory Commission (“FERC”) issued an order approving Southern Star to abandon by sale 388 Domestic Meters in the state of Oklahoma to a local distribution company.

6. On August 3, 2023, in Docket Number CP23-484-000, FERC issued an order approving Southern Star to abandon by sale 1,042 Domestic Meters to Kansas Gas Service (“KGS”). KGS has since filed an application with the Commission requesting, among other things, the approval of the sale (Docket Number 24-KGSG-237-CON).

¹ Abbreviated Application for Abandonment by Sale, FERC Docket CP24-22, (December 4, 2023) (“SS FERC Application”)

²⁻⁵ *See id.*

III. ACQUISITION - PROPOSED ASSETS

7. On February 28, 2024, in Docket Number CP24-22-000, Southern Star received FERC regulatory approval to abandon by sale approximately 273 Domestic Meters in the state of Kansas to Black Hills. These assets are being sold pursuant to an Asset Purchase Agreement (“APA”), dated November 2, 2023, which is included in this Application as CONFIDENTIAL Attachment A. The assets to be acquired by Black Hills (“Assets”) include:

- a. Facilities – All facilities, pipes and installations of every kind and nature which are on the downstream side of the first above-ground valve located over the transmission lines of Southern Star and up to and including the valve used to connect such facilities to the service line owned by the irrigation or farm customers and which are used in connection with pressure regulation and metering the gas sold to the said farm and irrigation customers.
- b. Customer Accounts listed in Schedule 1.01(b) of CONFIDENTIAL Attachment A, including Discount Rate Customer Accounts as listed in Schedule 8.08(d) of CONFIDENTIAL Attachment A.
- c. Technical Information, Books, and Records listed in Exhibit 3 of CONFIDENTIAL Attachment A.
- d. Any Easements, Licenses, Leases, Permits, Surface Use Agreements, Encroachments, and other land rights applicable to the assets, as necessary.

8. The APA is subject to multiple conditions prior to closing the transaction, including FERC’s approval of the abandonment by sale of these Assets to Black Hills, which Southern Star received on February 28, 2024. Additional conditions include the following items:

- a. The Commission must approve Black Hills’ purchase of the Assets and authorize Black Hills to operate them in form and substance acceptable to Black Hills.

- b. Any current service provider of the Assets must file abandonment of services with the Commission and receive approval.
- c. Southern Star shall amend applicable Black Hills customer agreements to add the Domestic Meters as a delivery location and combine them into aggregated points to avoid nominations at individual Domestic Meters.

9. Black Hills is purchasing the Assets from Southern Star for a total of \$10 and other good and valuable consideration.

IV. ACQUISITION - CURRENT AND CONTINUED SERVICE

10. Of the 273 Domestic Meters Black Hills expects to acquire, Southern Star currently serves forty-one (41) meters directly, Black Hills serves two (2) meters, Atmos Energy serves eleven (11) meters, and KGS serves two hundred nineteen (219) meters.

11. Southern Star will continue to transport natural gas to service the Domestic Meters during this Application process. After the sale is completed, Southern Star will transport the required gas under existing service agreements pending adjustments to the maximum daily transportation quantity and added delivery locations, as needed. This will ensure that each Domestic Meter customer receives uninterrupted continuation of service. Black Hills will coordinate with Atmos and KGS separately to transfer the retail service of these Domestic Meters to Black Hills.

12. Black Hills will file testimony, by April 8, 2024, in support of this acquisition. The supporting testimony will address the Commission Merger Standards for new acquisitions as presented in Docket Numbers 172,745-U and 174,155-U and provide additional information on the location of these Domestic Meters in relation to the connecting infrastructure.

V. TARIFF REVISION - BACKGROUND

13. On November 9, 2021, Black Hills, the Citizens' Utility Ratepayer Board ("CURB"), the Staff of the State Corporation Commission of the State of Kansas ("Staff") and the Natural Gas Transportation Customer Coalition ("NGTCC") collectively requested that the Commission issue an Order to Approve the Settlement Agreement ("Agreement") reached between the respective parties regarding Black Hills' recovery of extraordinary costs incurred during Winter Storm Uri ("Costs"). The Commission would later issue an Order approving the Agreement on January 27, 2022.

14. Per the Agreement, Black Hills is currently recovering Costs over a five-year period through a monthly, usage-based surcharge ("Surcharge") on sales customers. Included in the Agreement was a provision that "During the first year in which the Surcharge is being recovered [February 2022 through January 2023] ...any new Black Hills customer that can provide definitive proof showing it has already paid its full natural gas costs relating to [Storm Uri] to another Kansas utility, shall be entitled to a waiver of the Surcharge ["Waiver"]." (Joint Motion to Approve Settlement, Docket No. 21-BHCG-334-GIG, p.7).

15. Since the expiration of the Waiver, Black Hills has acquired, and will seek to acquire in the future, groups of gas service customers that have previously paid all gas costs associated with their usage during Storm Uri. These acquisitions may include municipalities, farm taps, abandonments, or other special cases.

VI. TARIFF REVISION - APPLICANT'S REQUEST

16. Applicant respectfully requests that the Commission approve a modification to Index No. 37 of the currently approved tariff that would allow for Black Hills to waive the

Surcharge for municipal, farm tap domestic meters, abandonment, or other atypical customer acquisitions. This waiver would apply retroactively to February 1, 2023, and continue for the life of the Surcharge, including the final true-up.

17. To be eligible for this waiver, acquired customers must provide Black Hills with evidence of having paid for all gas charges incurred during Storm Uri. Black Hills will maintain these records through the life of the Surcharge.

18. Black Hills requests this waiver solely for acquisitions and not for all new sales customers. The administrative burden and challenge in confirming the accuracy and authenticity of all new sales customer residencies during Storm Uri would be an excessive drain on company resources at ratepayer expense. Large groups of customers in municipalities, farm tap domestic meters, and abandonment acquisitions can typically be traced to a singular gas provider and thus obtaining evidence to waive their Surcharge is easily confirmed through typical due diligence. Red-lined and clean versions of Applicant’s proposed adjustment to Index No. 37 of the currently approved tariff are included at the end of this Application as Attachment B.

VII. CONCLUSION

19. Black Hills currently provides natural gas service to over 118,000 customers in sixty-eight communities across the state of Kansas and is qualified to provide natural gas distribution service to the Domestic Meter customers subject to this acquisition Application. Black Hills’ proposed tariff revision will eliminate the unnecessary burden on these newly acquired Domestic Meter customers of paying twice for the extraordinary gas costs experienced during Winter Storm Uri.

WHEREFORE, for the reasons set forth herein, Black Hills respectfully asks that the Commission issue an order that (1) approves the purchase of Assets from Southern Star as set forth

in the APA and included with this Application as CONFIDENTIAL Attachment A; (2) grants Applicant the customer-specific certificate of convenience and necessity to provide natural gas service to the customers/addresses listed in Schedule 1.01(b) of CONFIDENTIAL Attachment A; (3) grants Applicant the right to provide service and thus charge the customers/addresses listed in Schedule 1.01(b) of CONFIDENTIAL Attachment A based on the Applicant's currently approved tariff and (4) approves the Applicant's requested Tariff Revision to waive Storm Uri Gas Charges for certain acquisitions as shown in Attachment B.

Respectfully submitted,

/s/ Douglas Law

Douglas J. Law
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Lincoln, NE 68512
(402) 221-2635
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Attorney for Black Hills Kansas Gas Utility Company,
LLC, d/b/a Black Hills Energy

VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

Douglas Law, of lawful age, being first duly sworn on oath, states:

That he is the attorney for Black Hill/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, named in the foregoing Application for Tariff Revision and is duly authorized to make this affidavit; that he has read the foregoing and knows the contents thereof; and that the facts set forth therein are true and correct.

/s/ Douglas Law

SUBSCRIBED AND SWORN before me this 29th day of March 2024.

/s/Christina L. Ellis
Notary Public
State of Nebraska

My commission expires July 4, 2026.

PUBLIC VERSION
CONFIDENTIAL ATTACHMENT A
REDACTED IN ENTIRETY

ATTACHMENT B

THE STATE CORPORATION COMMISSION OF KANSAS

Index No. 2D

BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC

d/b/a BLACK HILLS ENERGY

Schedule: SUPERSEDED INDEX, Nineteenth-Twentieth

Revised

(Name of Issuing Utility)

KANSAS SERVICE AREA

(Territory to which schedule is applicable)

Replacing: Index No. 2D, Superseded Index, 198th Revised
which was effective 8/1/2023/1/2024

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 3 of 5 Sheets

New			Replaces				Eff.
Index	Sched.	Sheet	Desc./Title	Index	Schedule	Sheet	Date
10	GRR, 4 th Rev	3 of 4	General Rules & Regs	10	GRR, 3 rd Rev	3 of 5	2-20-09
10	GRR, 5 th Rev	4 of 4	General Rules & Regs	10	GRR, 4 th Rev	4 of 5	2-20-09
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13	GRR, 2 nd Rev	6 of 10	General Rules & Regs.	13	GRR, 1 st Rev	6 of 10	5-4-05
13	GRR, 3 rd Rev	7 of 10	General Rules & Regs.	13	GRR, 2 nd Rev	7 of 10	2-20-09
13	GRR, 4 th Rev	8 of 10	General Rules & Regs.	13	GRR, 3 rd Rev	8 of 10	5-16-07
13	GRR, 2 nd Rev	9 of 10	General Rules & Regs.	13	GRR, 1 st Rev	9 of 10	5-4-05
13	GRR, 2 nd Rev	10 of 10	General Rules & Regs.	13	GRR, 1 st Rev	10 of 10	5-4-05
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15	RS-1, 7 th Rev	1 of 1	Residential Service	15	RS-1, 6 th Rev	1 of 1	1-1-21
16	WNA Rider, 3 rd Rev	1 of 3	Weather Norm Rider	16	WNA Rider, 2 nd Rev	1 of 3	2-20-09
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16	WNA Rider, 5 th Rev	3 of 3	Weather Norm Rider	16	WNA Rider, 4 th Rev	3 of 3	1-1-15
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17C	TA Rider, New Sheet	1 of 1	Tax Adjustment Rider				
17D	FIS Rider, New Sheet	1 of 1	Ford Infrastructure Surcharge				
17E	URI, 3rd 2nd -Rev	1 of 2	Storm Uri Gas Charge	17E	URI, 1st 2nd Rev	1 of 2	3-1-24 3
17E	URI, 3rd 2nd -Rev	2 of 2	Storm Uri Gas Charge	17E	URI, 1st 2nd Rev	2 of 2	3-1-24 3

Issued February 13, 2023
Month Day Year

Effective March 1, 2024
Month Day Year

By _____
Signature

Robert W. Daniel, Director - Regulatory

21-BHCG-334-GIG
 Approved
 Kansas Corporation Commission
 January 27, 2022
 /s/ Lynn Retz

BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
d/b/a BLACK HILLS ENERGY

Schedule URI, Third Second

Revised
(Name of Issuing Utility)

KANSAS SERVICE AREA
(Territory to which schedule is applicable)

Replacing: Index No. 17E, 2nd 4st Rev
which was effective 3/1/20243

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 1 of 2 Sheet

STORM URI GAS CHARGE (URI)

APPLICABILITY

The Storm Uri Gas Charge ("URI") applies to all of the Company's sales customers, except irrigation. The Charge will be in effect for a period of five years.

RATE

URI rates shall be applied as a cost per therm on a billed monthly basis to the following rate schedules:

RS-1:	\$0.222300
SC-1:	\$0.193936
SVF:	\$0.191253
LVI:	\$0.072998
LVF:	\$0.197297

DEFINITIONS AND CONDITIONS

1. The February 2021 Storm Uri Winter Event consisted of unprecedented and sustained cold weather, resulting in record natural gas prices and potential system reliability issues. Emergency Order Docket No. 21-GIMX-303-MIS was ordered by the Kansas Corporation Commission to ensure natural gas service continued to be provided to each utilities' customers in Kansas. Company's reaction to and performance during the Storm Uri Winter Event, and an evaluation of its customer impact plan was investigated in Docket No. 21-BHCG-334-GIG.
2. Any sales customer of the Company who intends to move to transportation service during the five-year period the surcharge is effective shall be required to pay Company a conversion fee prior to becoming a transportation customer. The conversion fees will be used to reduce the balance of extraordinary gas costs owed by the sales customers. The conversion fee will calculate the remaining Storm Uri Gas Charges owed for the remainder of the five-year collection period at the time a sales customer elects to move to transportation service. The calculation will be based on the prior twelve months of usage for each individual customer. The remaining Storm Uri Gas Charges will be based on the net present value of the total costs calculated using a discount rate of 5.71%.
3. Any current transportation customer of the Company who becomes a sales customer during the five-year period shall be entitled to a waiver of the charge, provided the transportation customer can provide sufficient evidence that it was not a sales customer during the Storm Uri Winter Event and that it has fully paid its gas costs relating to Winter Storm Uri.

Issued February 13, 2024
Month Day Year

Effective March 1, 2024
Month Day Year

By _____
Signature

Robert W. Daniel, Director – Regulatory

21-BHCG-334-GIG
Approved
Kansas Corporation Commission
January 27, 2022
/s/ Lynn Retz

BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
d/b/a BLACK HILLS ENERGY

Schedule URI, ~~Second~~

Third Revised
(Name of Issuing Utility)

KANSAS SERVICE AREA
(Territory to which schedule is applicable)

Replacing: Index No. 17E, ~~1st~~ 2nd Rev
which was effective 3/1/202~~3~~4

No supplement or separate understanding
shall modify the tariff as shown hereon.

Sheet 2 of 2 Sheet

STORM URI GAS CHARGE (URI) (Continued)

DEFINITIONS AND CONDITIONS (Continued)

4. During the first year the charge is being recovered, February 1, 2022, through January 31, 2023, any sales customer that began Black Hills service after February 2021 that can provide definitive proof showing it has already paid its full natural gas costs related to the Storm Uri Winter Event to another Kansas utility shall be entitled to a waiver of the gas charge. Definitive proof shall take the form of a billing statement from the previous utility showing the payment in full.

5. Any sales customer that becomes a Black Hills customer as part of a larger acquisition or trade of territory that can provide definitive proof showing that the group has already paid its full natural gas costs related to the Storm Uri Winter Event shall be entitled to a waiver of the gas charge. Definitive proof shall be provided to the Company as part of the acquisition due diligence. Examples of such sales customer group acquisitions include, but are not limited to, municipalities, domestic meters or "farm taps", abandonments, or other atypical customer acquisitions. This waiver shall be in effect for the remainder of the charge.

65. The Company will track Storm Uri Gas Charges collected and an annual comparison of expected recoveries to actual recoveries will occur each January 31. The difference will be included as a charge or credit for the next twelve months through the Storm Uri Gas Charge. The first adjustment will be filed through a Notice of Implementation with an effective date of March 1. All subsequent rate adjustments will be filed for KCC Staff review by February 15 and a rates- effective date of March 1. A final true-up will occur after five years, and any over or under collected amounts will be included in Company's PGA/ACA to collect or refund any remaining differences to Customers.

76. If Company receives or recovers any payments as a result of any subsequent federal or state governmental relief, civil suit relief, market manipulation findings, etc., resulting from the Winter Event, the Company will pass those payments to its Customers through its PGA/ACA, even if those payments are received or recovered after the five-year charges conclude.

Issued February 13, 2024
Month Day Year

Effective March 1, 2024
Month Day Year

By _____
Signature

Robert W. Daniel, Director – Regulatory

21-BHCG-334-GIG
Approved
Kansas Corporation Commission
January 27, 2022
/s/ Lynn Retz

THE STATE CORPORATION COMMISSION OF KANSAS

Index No. 2D

BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC

d/b/a BLACK HILLS ENERGY

Schedule: SUPERSEDED INDEX, Twentieth Revised

(Name of Issuing Utility)

KANSAS SERVICE AREA

Replacing: Index No. 2D, Superseded Index, 19th Revised
which was effective 3/1/2024

(Territory to which schedule is applicable)

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 3 of 5 Sheets

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Issued _____
Month Day Year

Effective _____
Month Day Year

By _____
Signature

Robert W. Daniel, Director - Regulatory

BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
d/b/a BLACK HILLS ENERGY
 (Name of Issuing Utility)

Schedule URI, Third Revised

KANSAS SERVICE AREA
 (Territory to which schedule is applicable)

Replacing: Index No. 17E, 2nd Rev
 which was effective 3/1/2024

No supplement or separate understanding shall modify the tariff as shown hereon.

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STORM URI GAS CHARGE (URI)

APPLICABILITY

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DEFINITIONS AND CONDITIONS

1. The February 2021 Storm Uri Winter Event consisted of unprecedented and sustained cold weather, resulting in record natural gas prices and potential system reliability issues. Emergency Order Docket No. 21-GIMX-303-MIS was ordered by the Kansas Corporation Commission to ensure natural gas service continued to be provided to each utilities' customers in Kansas. Company's reaction to and performance during the Storm Uri Winter Event, and an evaluation of its customer impact plan was investigated in Docket No. 21-BHCG-334-GIG.
2. Any sales customer of the Company who intends to move to transportation service during the five-year period the surcharge is effective shall be required to pay Company a conversion fee prior to becoming a transportation customer. The conversion fees will be used to reduce the balance of extraordinary gas costs owed by the sales customers. The conversion fee will calculate the remaining Storm Uri Gas Charges owed for the remainder of the five-year collection period at the time a sales customer elects to move to transportation service. The calculation will be based on the prior twelve months of usage for each individual customer. The remaining Storm Uri Gas Charges will be based on the net present value of the total costs calculated using a discount rate of 5.71%.
3. Any current transportation customer of the Company who becomes a sales customer during the five-year period shall be entitled to a waiver of the charge, provided the transportation customer can provide sufficient evidence that it was not a sales customer during the Storm Uri Winter Event and that it has fully paid its gas costs relating to Winter Storm Uri.

Issued _____
 Month Day Year

Effective _____
 Month Day Year

By _____
 Signature

Robert W. Daniel, Director – Regulatory

BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
d/b/a BLACK HILLS ENERGY
(Name of Issuing Utility)

Schedule URI, Third Revised

KANSAS SERVICE AREA
(Territory to which schedule is applicable)

Replacing: Index No. 17E, 2nd Rev
which was effective 3/1/2024

No supplement or separate understanding
shall modify the tariff as shown hereon.

Sheet 2 of 2 Sheet

STORM URI GAS CHARGE (URI) (Continued)

DEFINITIONS AND CONDITIONS (Continued)

4. During the first year the charge is being recovered, February 1, 2022, through January 31, 2023, any sales customer that began Black Hills service after February 2021 that can provide definitive proof showing it has already paid its full natural gas costs related to the Storm Uri Winter Event to another Kansas utility shall be entitled to a waiver of the gas charge. Definitive proof shall take the form of a billing statement from the previous utility showing the payment in full.
5. Any sales customer that becomes a Black Hills customer as part of a larger acquisition or trade of territory that can provide definitive proof showing that the group has already paid its full natural gas costs related to the Storm Uri Winter Event shall be entitled to a waiver of the gas charge. Definitive proof shall be provided to the Company as part of the acquisition due diligence. Examples of such sales customer group acquisitions include, but are not limited to, municipalities, domestic meters or "farm taps", abandonments, or other atypical customer acquisitions. This waiver shall be in effect for the remainder of the charge.
6. The Company will track Storm Uri Gas Charges collected and an annual comparison of expected recoveries to actual recoveries will occur each January 31. The difference will be included as a charge or credit for the next twelve months through the Storm Uri Gas Charge. The first adjustment will be filed through a Notice of Implementation with an effective date of March 1. All subsequent rate adjustments will be filed for KCC Staff review by February 15 and a rates effective date of March 1. A final true-up will occur after five years, and any over or under collected amounts will be included in Company's PGA/ACA to collect or refund any remaining differences to Customers.
7. If Company receives or recovers any payments as a result of any subsequent federal or state governmental relief, civil suit relief, market manipulation findings, etc., resulting from the Winter Event, the Company will pass those payments to its Customers through its PGA/ACA, even if those payments are received or recovered after the five-year charges conclude.

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By _____
Signature

Robert W. Daniel, Director – Regulatory