

**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.)

In the Matter of the Application of Black Hills)
Kansas Gas Utility Company, LLC d/b/a Black) Docket No. 21-BHCG-370-MIS
Hills energy, for Waiver of Tariff.)

ORDER CONSOLIDATING DOCKETS

The Commission rules 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 March 23, 2021, Black Hills filed an application in Docket No. 21-BHCG-370-MIS (Docket 21-370) requesting a temporary waiver of certain penalty provisions in its tariff pertaining to transportation customers because the amounts charged to Black Hills from the

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

² *Id.*, Ordering Clause, ¶ C.

Federal Energy Regulatory Commission (FERC) regulated pipelines were unknown.³ The Commission approved Black Hills' application for a temporary waiver on April 22, 2021.⁴

3. On May 28, 2021, in Docket 21-370, Black Hills filed a motion seeking Commission approval to extend the waiver. Black Hills requests a waiver of its tariff to allow it to not charge transportation customers the Daily Out-of-Balance charge based on Operational Flow Order Days or System Overrun or Critical Days, and to not charge the Unauthorized Delivery Charge for the month of February 2021. Black Hills states it did not incur a net increase in costs during the 2021 Winter Weather Event on behalf of transportation customers.⁵

4. On June 25, 2021, Commission Staff (Staff) filed a motion to consolidate Docket 21-334 and Docket 21-370. Staff asserts that waiver for transportation customers and the possible impacts to sales customers from Black Hills' practices during the 2021 Winter Weather Event are matters of investigation in Docket 21-334. Staff has already conducted extensive discovery into these topics in Docket 21-334. Staff further explains intervenors in Docket 21-334, who are not parties in Docket 21-370, may be interested in these topics or have critical information.⁶ Black Hills does not object to the motion.⁷

5. Under K.A.R. 82-1-224, the Commission may consolidate two or more dockets for hearing on a common record if the Commission deems it to be in the public interest. The Commission deems it in the public interest, as a matter of judicial efficiency, to consolidate Docket No. 21-BHCG-334-GIG and Docket No. 21-BHCG-370-MIS.

³ Docket 21-370, Application for Waiver (Mar. 23, 2021).

⁴ Docket 21-370, Order Approving Temporary Waiver (Apr. 22, 2021).

⁵ Docket 21-370, Motion for Waiver (May 28, 2021).

⁶ Staff's Motion to Consolidate, ¶ 4 (Jun. 25, 2021).

⁷ *Id.*, ¶ 6.

THEREFORE, BY THE COMMISSION IT IS ORDERED THAT:


A. Staff's Motion to Consolidate is granted.

B. Docket No. 21-BHCG-334-GIG and Docket No. 21-BHCG-370-MIS are consolidated. Each subsequent filing submitted in these dockets shall be captioned in the manner this order is captioned and shall be filed only in Docket 21-334. Commission employees shall then populate the filing in the other docket.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 07/20/2021


Lynn M. Retz
Executive Director

LEL

CERTIFICATE OF SERVICE

21-BHCG-334-GIG, 21-BHCG-370-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/20/2021.

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