

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

Before Commissioners: Shari Feist Albrecht, Chair  
Jay Scott Emler  
Pat Apple

In the Matter of the Application of Kansas )  
Gas Service, a Division of ONE Gas, Inc. )  
to amend Certificate of Convenience and )  
Necessity to transact the business of a ) Docket No. 18-KGSG-367-COC  
Natural Gas Public Utility within the )  
County of Rush, Kansas and the Vicinity )  
Thereof. )

**ORDER ISSUING CERTIFICATE OF CONVENIENCE AND NECESSITY**

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. BACKGROUND**

1. On February 26, 2018, Kansas Gas Service, a Division of ONE Gas, Inc. (Kansas Gas Service), filed an Application requesting a Certificate of Convenience and Necessity (Certificate) to transact the business of a natural gas public utility in a quarter-section of natural gas territory located in Rush County, Kansas. Kansas Gas Service is a natural gas public utility as defined in K.S.A. 2016 Supp. 66-104 and K.S.A. 66-1,200. Pursuant to K.S.A. 66-1,201, the Commission is given full power, authority, and jurisdiction to supervise and control natural gas public utilities. A public hearing was neither requested nor held on Kansas Gas Service's Application.

2. Kansas Gas Service requests that it be certificated as a natural gas public utility for the purpose of providing natural gas service in the following described territory to wit:

The Southwest Quarter of Section 3, Township 16 South, Range 17 West, Rush County, Kansas, as detailed on the map marked Exhibit A attached to and made a part of the Application.

Kansas Gas Service states that it seeks authority to provide natural gas service to Bison Rush Genetics LLC within the above-described territory.

3. On March 12, 2018, the Commission Staff (Staff) submitted its Report and Recommendation dated March 6, 2018, recommending the Commission grant Kansas Gas Service's Application and issue the company a Certificate to transact the business of a natural gas public utility in the quarter-section of territory described in paragraph 2 above.

## **II. LEGAL STANDARD AND DISCUSSION**

4. K.S.A. 2016 Supp. 66-131(a) provides in part that:

No person or entity...defined as a public utility by K.S.A. 66-104, and amendments thereto, governed by the provisions of this act shall transact business in the state of Kansas until it shall have obtained a certificate from the corporation commission that public convenience and necessity will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state...

5. From Staff's review of Kansas Gas Service's Application, it finds that the requested area is within the certified area of Midwest Energy, Inc. (Midwest). However, Staff further states that it has contacted Midwest, who agreed that public convenience would be promoted by allowing Kansas Gas Service to provide natural gas service to Bison Rush Genetics LLC. According to Staff, Kansas Gas Service owns and maintains natural gas facilities at or near the location to be served. Staff states that it has reviewed Kansas Gas Service's Application, confirming that the requested territory is accurately depicted on the map attached to the Application as Exhibit A. Staff further confirms that the legal description is not in conflict with the Commission's Certificate records. Concluding, Staff determines that public convenience and necessity will be promoted by granting Kansas Gas

Service's Application and issuing the company a Certificate of Convenience and Necessity to transact the business of a natural gas public utility in the territory described in paragraph 2 above.<sup>1</sup>

### **III. FINDING AND CONCLUSION**

6. The Commission adopts Staff's analysis and recommendation of March 6, 2018, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Kansas Gas Service's Application should be granted, and that public convenience and necessity will be promoted by issuing Kansas Gas Service the requested Certificate.

#### **IT IS, THEREFORE, BY THE COMMISSION ORDERED AND CERTIFIED THAT:**

A. The Application filed by Kansas Gas Service, a Division of ONE Gas, Inc., on February 26, 2018, is hereby granted and Kansas Gas Service is hereby issued a Certificate of Convenience and Necessity to transact the business of a natural gas public utility in the territory described in paragraph 2 above.

B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served, in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

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

---

<sup>1</sup> Report and Recommendation, page 2.

**BY THE COMMISSION IT IS SO ORDERED AND CERTIFICATED.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: 03/15/2018

A handwritten signature in cursive script, reading "Lynn M. Retz", written in dark ink.

Lynn M. Retz  
Secretary to the Commission

oan

# STATE OF KANSAS



CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.  
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | PAT APPLE, COMMISSIONER

## REPORT AND RECOMMENDATION UTILITIES DIVISION

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Pat Apple

**FROM:** Jason Kerr, Electric Utility Engineering Technician  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** March 6, 2018

**SUBJECT:** 18-KGSG-367-COC  
In the Matter of the Application of Kansas Gas Service, a Division of ONE Gas, Inc., to amend Certificate of Convenience and Necessity to transact the business of a Natural Gas Public Utility within the County of Rush, Kansas and the Vicinity Thereof.

### **EXECUTIVE SUMMARY**

In Docket 18-KGSG-367-COC, Kansas Gas Service, a Division of ONE Gas, Inc., (KGS) filed an Application for Certificate of Convenience and Necessity in a small tract of land in Rush County, Kansas.

Staff recommends that the Commission grant this Application and find that public convenience will be promoted by this transaction.

### **BACKGROUND:**

On February 26, 2018, KGS filed the above captioned Application requesting a natural gas Certificate for a portion of Section 3, Township 16 South, Range 17 West in Rush County, Kansas.

From Staff's review, this area is currently within the certified area of Midwest Energy, Inc. (Midwest). Staff contacted Midwest, who agreed public convenience will be promoted by allowing KGS to provide natural gas service to this customer.

The Commission has authority to grant a certificate of convenience and necessity to any public utility seeking to transact business in the State of Kansas.<sup>1</sup>

The statutory standard of review in this matter is whether the public convenience will be promoted by the transaction of the proposed project and by permitting the Applicant to transact the business of a common carrier or public utility.

**ANALYSIS:**

KGS seeks this Certificate to allow them to provide natural gas to Bison Rush Genetics, LLC.; KGS owns and maintains a natural gas line near the location described above.

Staff has reviewed KGS's Application and has confirmed the legal description included in the Application is accurately depicted on the map attached to the Application. Staff also confirmed the legal description is not in conflict with the Commission's Certificate records. The legal description is included as Attachment 1 to this Report and Recommendation.

The Commission action date is August 25, 2018.

**RECOMMENDATION:**

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction.

---

<sup>1</sup> K.S.A. 2016 Supp. 66-131.

**ATTACHMENT 1**

Legal Description of Requested Natural Gas Territory  
by Kansas Gas Service, A Division of ONE Gas Inc.  
Docket No. 18-KGSG-367-COC

**RUSH COUNTY, KANSAS**

SW 1/4, Section 3, Township 16 South, and Range 17 West

## **CERTIFICATE OF SERVICE**

18-KGSG-367-COC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

first class mail/hand delivered on 03/16/2018.

JANET BUCHANAN, DIRECTOR- REGULATORY AFFAIRS  
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.  
7421W 129TH ST  
OVERLAND PARK, KS 66213-2713  
Fax: 913-319-8622  
janet.buchanan@onegas.com

JUDY JENKINS, MANAGING ATTORNEY  
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.  
7421W 129TH ST  
OVERLAND PARK, KS 66213-2713  
Fax: 913-319-8622  
judy.jenkins@onegas.com

EARNIE LEHMAN, PRESIDENT AND GENERAL MANAGER  
MIDWEST ENERGY, INC.  
1330 CANTERBURY ROAD  
PO BOX 898  
HAYS, KS 67601-0898  
Fax: 785-625-1494  
elehman@mwenergy.com

OTTO NEWTON, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3167  
o.newton@kcc.ks.gov  
\*\*\*Hand Delivered\*\*\*

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe