

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

In the Matter of the Joint Application of )  
American Energies Gas Service, LLC/American )  
Energies Pipeline, LLC and Kansas Gas Service, )  
a Division of ONE Gas, Inc. for an Order )  
Approving the Transfer to Kansas Gas Service ) Docket No: 24-KGSG-284-ACQ  
Certificates of Convenience and Necessity with )  
Respect to AEGS’s Natural Gas Utility Business )  
and AEPL’s Pipeline Facilities Located in )  
Harvey, Marion, and McPherson Counties, )  
Kansas to Provide Utility Service and for Other )  
Related Relief. )

**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,<sup>1</sup> with its principal place of business at 6300 West 95th Street, Overland Park, Kansas 66212. KMGA is authorized to do business and is conducting business in the State of Kansas on behalf of its 47 municipal gas members. It is authorized by law to exercise its functional powers relating to, in relevant part, the provisioning of natural gas supplies for its member cities, and provides related transportation, storage, and balancing services for those supplies.<sup>2</sup>

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<sup>1</sup> K.S.A. 12-2901 *et seq.*

<sup>2</sup> 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.*

2. On September 22, 2023, American Energies Gas Service, LLC (AEGS), American Energies Pipeline, LLC (AEPL), and Kansas Gas Service, a Division of ONE Gas, Inc., (KGS) (collectively, Joint Applicants) filed an application seeking approval of, *inter alia*, an Asset Purchase Agreement (APA) entered into by and between Joint Applicants, and a transfer of the related certificates of convenience and necessity (Application). In the Application, Joint Applicants explained that “Kansas Gas Service has agreed to purchase certain Assets and rights from AEGS and AEPL, allowing Kansas Gas Service to acquire the natural gas utility business of AEGS and AEPL”<sup>3</sup> and “[a]s part of this transaction, Kansas Gas Service proposes to implement a new tariff to supply service to AEGS’s municipal wholesale transportation customer, the City of Hesston, Kansas.”<sup>4</sup>

3. The City of Hesston (City) is a member city of KMGA, and KMGA assists the City with its natural gas supply, including the transportation thereof. KMGA and the City will be directly affected by the implementation of the new tariff.

4. 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.”<sup>5</sup>

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<sup>3</sup> Application, p.5, ¶ 4.

<sup>4</sup> Application, p. 7, ¶ 14.

<sup>5</sup> K.S.A. 77.521(b).

5. KMGA 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.

6. KMGA notes that no procedural schedule has yet been set in this matter<sup>6</sup> and posits that its intervention will not disrupt or impair the orderly and prompt conduct of the proceedings. Moreover, KMGA's intervention is in the interests of justice because KMGA and at least one of its member cities is directly affected by this proceeding.

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

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<sup>6</sup> KMGA notes that Joint Applicants filed a Motion for Procedural Schedule on Jan. 4, 2024, which contemplates both a settlement track and a litigated track. KMGA is amenable to the schedule, as proposed.

Respectfully Submitted,

*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 10<sup>th</sup> day of January 2024, to the following named persons appearing on the Commission’s service list last modified on December 28, 2023:

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