

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

In the Matter of the Investigation into Kansas Gas)
Service Company, a Division of One Gas Inc.) Docket No. 21-KGSG-332-GIG
Regarding the February 2021 Winter Weather Events,)
as Contemplated by Docket No. 21-GIMX-303-MIS.)

PETITION TO INTERVENE

COMES NOW WoodRiver Energy, LLC (“WoodRiver”) and petitions the Corporation Commission of the State of Kansas (“Commission”) for intervention in the above-captioned case pursuant to K.S.A. 77-521. In support of its petition, WoodRiver states and alleges as follows:

1. On February 15, 2021, the Commission issued an *Emergency Order* in the 21-GIMX-303-MIS Docket (Emergency Order). The Emergency Order was issued by the Commission, pursuant to K.S.A. 77-536(a), to exercise its powers to protect the public from immediate danger to health, safety, and welfare.
2. The Emergency Order was issued in response to the February 14, 2021, State of Disaster Emergency issues by Kansas Governor Kelly “due to wind chill warnings and stress on utility and natural gas providers, noting that the current subzero temperatures are causing increased energy demand and natural gas supply constraints throughout Kansas”. Emergency Order at P. 1.
3. Pursuant to the Emergency Order: all jurisdictional natural gas and electric utilities are required “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. Jurisdictional natural gas and electric utilities are ordered to do everything necessary to ensure natural gas and electricity service

continues to be provided to their customers in Kansas.” Emergency Order at P. 3.

4. Also, pursuant to the Emergency Order, “[t]he Commission authorizes every jurisdictional electric and natural gas distribution utility that incurs extraordinary costs associated with ensuring that their customers or the customers of interconnected Kansas utilities that are non-jurisdictional to the Commission continue to receive utility service during this unprecedented cold weather event to defer those costs to a regulatory asset account.” Emergency Order at P.4. The deferred costs may also include carrying costs and must be accounted for in detail. Id.

5. The Emergency Order does not guarantee rate recovery, but establishes a mechanism where rate recovery may be sought in a future proceeding.

6. Lastly, the Emergency Order directs that: “[o]nce this 2021 Winter Weather Event is over, and after all costs have been accumulated and recorded, each jurisdictional utility is directed to file a compliance report in this Docket detailing the extent of such costs incurred, and present a plan to minimize the financial impacts of this event on ratepayers over a reasonable time frame. Emergency Order at P.5.

7. On March 9, 2021 the Commission issued an *Order Adopting Staff’s Report and Recommendation To Open Company-Specific Investigations* in the 21-GIMX-303-MIS Docket instituting the instant proceeding.

8. WoodRiver is a privately-owned natural gas marketing company serving commercial and industrial natural gas customers in Kansas and neighboring states. WoodRiver provides reliable natural gas service to numerous agricultural, commercial and industrial customers in Kansas. WoodRiver’s largest customer base in Kansas is served off the Kansas Gas Service Company jurisdictional gas utility system (KGS).

9. Beginning in the second week of February, 2021 the costs to serve Kansas

customers increased dramatically due to both increases in demand and increases in gas prices. To meet the increased demand, WoodRiver purchased significantly more gas in real time markets during this period than anticipated; some of it at large multiples of past prices for this same time period.

10. In addition, due to supply and transportation constrains, WoodRiver also experienced difficulty scheduling gas and delivering scheduled gas at certain times and places, including to and through KGS.

11. As recognized by the Emergency Order and the State of Disaster Emergency, all natural gas suppliers experienced similar increases in demand and consequently price; all at the same time. And, all natural gas suppliers experienced similar scheduling and delivery difficulties. Non-jurisdictional suppliers, like WoodRiver, were in competition with jurisdictional utilities to purchase this gas in the open market.

12. As a supplier on KGS, WoodRiver anticipates that it will experience increased costs as a result of the scheduling and delivery issues and WoodRiver's customers will experience increased costs from KGS; all so that "customers of interconnected Kansas utilities that are non-jurisdictional to the Commission continue to receive utility service during this unprecedented cold weather event." Emergency Order at P. 4. Certain of these costs may be immediate, such as those related to imbalance penalties. Other costs may be long term, such as for new capital expenditure in the future to increase the reliability of the system. To the extent the costs may be discussed, reported and/or mitigated as a part of this proceeding, WoodRiver and its' customers have an immediate interest.

13. WoodRiver's interest in this proceeding is not adequately represented by any other party.

14. All communications and correspondence to WoodRiver, including service of

notices and orders of the Commission herein are requested to be sent to the following named individuals:

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WHEREFORE, WoodRiver respectfully requests the Commission enter an Order allowing it to intervene in this proceeding and for all other relief which the Commission deems just and proper.

By: /s/ Jeff Austin
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Executed on March 16, 2021.

* Mr. Goldberg is listed as counsel subject to Commission action on his Motion for Admission *Pro Hac Vice*, which is being filed simultaneously herewith.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail, this 16th day of March, 2021, addressed to:

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