

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

In the Matter of the Record Natural Gas Prices )  
and Potential System Reliability Issues from ) Docket No. 21-GIMX-303-MIS  
Unprecedented and Sustained Cold Weather. )

In the Matter of the Investigation into American )  
Energies Gas Service Regarding the February ) Docket No. 21-AEGG-335-GIG  
2021 Winter Weather Events, as Contemplated )  
by Docket No. 21-GIMX-303-MIS. )

**SPECIAL APPEARANCE OF THE NGTCC**

COMES NOW, the Natural Gas Transportation Customer Coalition (“NGTCC” or “Coalition”) and respectfully files this Special Appearance incorporating NGTCC arguments made in concurrent proceedings. In support thereof, NGTCC states the following to the State Corporation Commission of the State of Kansas (“Commission”).

**I. CONDENSED PROCEDURAL BACKGROUND**

1. Following Winter Storm Uri, the Commission opened seven utility-specific dockets to receive compliance reports and plans to minimize the financial impact of Winter Storm Uri on ratepayers. The Commission granted the NTGCC’s intervention in the utility-specific investigation of Kansas Gas Service, a Division of ONE Gas, Inc. (“KGS”) (Docket No. 21-KGSG-332-GIG). Likewise, the NGTCC has petitioned to intervene in the Black Hills / Kansas Gas Company utility-specific investigation (Docket No. 21-BHCG-334-GIG).

**II. SPECIAL APPEARANCE**

2. The NTGCC is not seeking formal intervention in the utility-specific investigation of American Energies Gas Service (“AEGS”) or the City of Eskridge’s (“Eskridge”) cost recovery proposal.

3. In the KGS-investigation, the NGTCC asserted the Commission cannot approve a cost-recovery plan for natural gas costs if the costs are unlawful. In relevant part, the NGTCC stated:

9. Regardless of whether a Waiver is granted, there remain legal issues in the Docket that the Commission cannot resolve, because it does not have the statutory power to do so. Separately, the Commission should elect to defer action on these issues of legality of natural gas pricing to those judicial and investigatory forums that (a) have far more extensive power to compel true and correct testimony by subpoena and statutory power of investigation, and (b) have far more extensive and expansive powers to fashion remedies for unlawful conduct that range from fines and penalties, to damages, injunctions against future unlawful conduct, and declaratory judgments on issues of law.

10. Even though the requested KGS Waiver results in the elimination of the “multiplier provision” therein, the remaining provisions of the KGS tariff permit the Company to charge and collect amounts based on price postings contained in the S&P Gas Daily Index (“Index Prices”). The prices set forth in the Index for the period February 10 – February 18, 2021, are or will be (a) subject to direct challenge in pending litigation, and are (b) also the subject of the investigations at the Federal Energy Regulatory Commission (“FERC”) at the urging of the Governor of the State of Kansas and the Commissioners, (c) as well as an ongoing investigation by the highest-ranking law enforcement office in our state – the Office of Attorney General in Kansas. In recent orders (including an Order in this Docket), the Commission referenced the ongoing investigation of the Office of the Attorney General of Kansas and made all discovery in this docket available to that office.

11. While the Commission has the statutory authority to establish rates that are just and reasonable, the Commission lacks statutory authority to determine if underlying costs – such as contract prices – are lawful. In this case, the Commission lacks the statutory authority to determine if Index Prices are lawful or if, instead, those prices are unconscionable, amount to price gouging, or are profiteering. Even if the Commission were to determine that such Index Prices were unlawful, the Commission has no statutory power to address and provide remedies for breach of contract issues, for either KGS or gas transport customers which may have such Index Price references in their private contracts with marketers/resellers.<sup>1</sup>

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<sup>1</sup> Response of the NGTCC to Kansas Gas Service, A Division of ONE Gas, Inc., and Commission Staff’s Responses To CURB, BlueMark, WoodRiver, And Bonavia, Docket No. 21-KGSG-332-GIG, ¶¶9 – 11 (Jun. 29, 2021).

4. The lawfulness of natural gas prices charged in February 2021 is germane to the Commission's utility-specific investigations and cost recovery proposals. AEGS and Eskridge have filed agreements outlining their respective cost recovery proposals. The NGTCC specially appears to insert and incorporate arguments on recovery of unlawful natural gas prices in the instant matter.

5. Specifically, the NGTCC adopts and incorporates the arguments presented by the NGTCC in Docket No. 21-KGSG-332-GIG as if fully stated herein.

WHEREFORE, the NGTCC specially appears in the instant matter to incorporate by reference germane arguments presented in corresponding Commission investigations, requests the Commission accept this appearance and incorporation, and requests the Commission grant such other relief as the Commission deems just and reasonable.

Respectfully submitted,

/s/ James P. Zakoura

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**VERIFICATION**

STATE OF KANSAS        )  
                                  ) ss:  
COUNTY OF JOHNSON    )

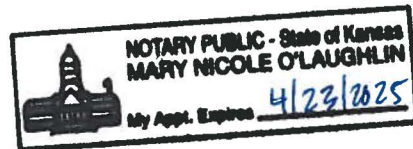
James P. Zakoura, being duly sworn upon his oath, deposes and states that he is the Attorney for the Natural Gas Transportation Customer Coalition, that he has read and is familiar with the foregoing *Special Appearance of the NGTCC* and that the statements therein are true to the best of his knowledge, information, and belief.

  
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James P. Zakoura

SUBSCRIBED AND SWORN to before me this 2nd day of July, 2021.

  
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Notary Public

My Appointment Expires: 4/23/2025



**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of July, 2021, the foregoing *Special Appearance of the NGTCC* was electronically filed with the Kansas Corporation Commission and that one copy was delivered electronically to all parties on the service list as follows:

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