

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

**ORDER GRANTING INTERVENTION TO WOODRIVER ENERGY, LLC AND
ADMISSION OF ALEX GOLDBERG PRO HAC VICE**

This matter comes before the State Corporation Commission of the State of Kansas
(Commission) for consideration and decision. The Commission makes the following findings:

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 Jurisdictional
natural gas and electric utilities were ordered to do everything necessary to ensure natural gas and
electricity service continued to be provided to their customers in Kansas.² The Commission
authorized every jurisdictional electric and natural gas distribution utility that incurs extraordinary
costs associated with ensuring their 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.³ The Commission mandated that once the

¹ Docket No. 21-GIMX-303-MIS (Docket 21-303), Emergency Order, ¶ 3 (Feb. 15, 2021).

² *Id.*

³ *Id.* ¶ 4.

2021 Winter Weather Event ended, and after all costs have been accumulated and recorded, each jurisdictional utility was directed to file a compliance report in the 21-303 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.⁴

2. On March 9, 2021, the Commission issued an Order Adopting Staff’s Report and Recommendation (R&R) to Open Company-Specific Investigations.⁵ The Commission’s order initiated the instant proceeding.

3. On March 16, 2021, WoodRiver Energy, LLC (WoodRiver) filed a Petition to Intervene.⁶ WoodRiver is a privately-owned natural gas marketing company serving commercial and industrial natural gas customers in Kansas and neighboring states.⁷ WoodRiver’s largest customer base in Kansas is served off the Kansas Gas Service (KGS) system.⁸ WoodRiver states beginning the second week of February 2021, the costs to serve customers increased dramatically due to both increases in demand and increases in gas prices.⁹ 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

4. WoodRiver anticipates it will experience increased costs as a result of the scheduling and delivery issues and WoodRiver’s customers will experience increased costs from KGS.¹¹ WoodRiver states certain costs may be immediate, such as those related to imbalance penalties, while other costs may be long term, such as for new capital expenditure in the future to

⁴ *Id.*, ¶ 5.

⁵ Order Adopting Staff’s R&R to Open Company-Specific Investigations; Order on Petitions to Intervene of Bluemark and CURB; Protective and Discovery Order (Docket No. 21-GIMX-303-MIS) (Mar. 9, 2021).

⁶ WoodRiver Energy, LLC Petition to Intervene (Mar. 16, 2021).

⁷ *Id.*, ¶ 8.

⁸ *Id.*

⁹ *Id.*, ¶ 9.

¹⁰ *Id.*

¹¹ *Id.*, ¶ 12.

increase the reliability of the system.¹² To the extent the costs may be discussed, reported and/or mitigated as part of this proceeding, WoodRiver and its customers have an immediate interest.¹³ Finally, WoodRiver claims its interest in this proceeding is not adequately represented by any other party.

5. The Commission shall grant intervention if the petition: (1) is submitted in writing and properly served; (2) states facts demonstrating 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 intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.¹⁴ The Commission has discretion to grant intervention at any time where intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.¹⁵ At any time during a proceeding, the Commission may impose limitations on an intervenor's participation, which may include limiting an intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition, limiting intervenor discovery, cross-examination and other procedures, and requiring intervenors to consolidate their participation in the proceedings.¹⁶

6. WoodRiver submitted its Petition to Intervene in writing, properly served it in accordance with K.S.A. 77-521(a)(1), and stated facts demonstrating its legal rights and interests may be substantially affected by this proceeding under K.S.A. 77-521(a)(2). The Commission finds WoodRiver's intervention will not impair the interests of justice, nor will its participation

¹² *Id.*

¹³ *Id.*

¹⁴ K.S.A. 77-521(a); K.A.R. 82-1-225(a).

¹⁵ K.S.A. 77-521(b); K.A.R. 82-1-225(b).

¹⁶ K.S.A. 77-521(c); K.A.R. 82-1-225(c).

impede the orderly and prompt conduct of the proceedings, in accordance with K.S.A. 77-521(a)(3). Thus, the Commission finds WoodRiver has met the requirements for intervention in K.S.A. 77-521 and K.A.R. 82-1-225, and therefore, should be granted intervention and full participation in all aspects of this docket.

7. On March 16, 2021, Jeff Austin, an attorney in good standing and licensed to practice law in the state of Kansas, filed a Motion for Admission of Alex Goldberg *Pro Hac Vice* as attorney on behalf of WoodRiver Energy, LLC (WoodRiver), under Kansas Supreme Court Rule 116. Mr. Austin stated he will sign all pleadings and other papers filed with the Commission and will be actively engaged in the case and present for all appearances, to the extent required by the Commission. The Motion included Mr. Goldberg's Verified Application required by Rule 116.

8. Mr. Goldberg verified he is in good standing and licensed to practice law in Oklahoma and Colorado. Mr. Goldberg is not currently, nor has ever been, the subject of public discipline, including but not limited to suspension of disbarment, in any jurisdiction. The Verified Application lists Mr. Goldberg's address as 1104 E. 21st Place, Tulsa, Oklahoma 74114.

9. The Commission finds Mr. Goldberg has met the requirements of Supreme Court Rule 116 and shall be granted admission *pro hac vice* to appear on behalf of WoodRiver. Mr. Goldberg shall be added to the mailing list, with service of electronic notes, pleadings, testimony, orders, communications, and other documents directed to the following:

10. WoodRiver shall be added to the mailing list, with service of electronic notes, pleadings, testimony, orders, communications, and other documents directed to the following:

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THEREFORE, THE COMMISSION ORDERS:

- A. WoodRiver Energy, LLC is granted intervention.
- B. Alex Goldberg is granted admission *pro hac vice* on behalf of WoodRiver.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 03/30/2021.

PZA



Lynn M. Retz
Executive Director

CERTIFICATE OF SERVICE

21-KGSG-332-GIG

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 03/30/2021.

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