

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Application of Black Hills/Kansas Gas Utility)
Company, LLC, d/b/a Black Hills Energy, for a Certificate of)
Public Convenience and Authority to Transact the Business of a) 15-BHCG-446-COC
Natural Gas Public Utility in Certain Portions of Douglas County,)
Kansas.)

CERTIFICATE

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On March 31, 2015, Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy ("Applicant") filed an application seeking a Certificate of Convenience and Authority to provide natural gas service to a portion of Douglas County, Kansas as required by K.S.A. 2014 Supp. 66-131. Applicant is a natural gas public utility as defined by K.S.A. 2014 Supp. 66-104. A public hearing was neither requested nor held on this application.

2. Specifically, Applicant requests a Certificate in the territory described as follows:

DOUGLAS COUNTY

Southwest Quarter (SW/4) and Northeast Quarter (NE/4)
Section 29, Township 12 South, Range 19 East

West Half (W/2)
Section 21, Township 12 South, Range 19 East,
South of the centerline of I-70 (Kansas Turnpike)

All of Section 20, Township 12 South, Range 19 East,
South of the centerline of I-70 (Kansas Turnpike)

East Half (E/2)
Section 19, Township 12 South, Range 19 East,
South of the centerline of I-70 (Kansas Turnpike)
and East of the centerline of K-10 Bypass

Northeast Quarter (NE/4)
Section 30, Township 12 South, Range 19 East
East of the centerline of K-10 Bypass

3. The territory described in Finding No. 2 above is currently served by Atmos Energy. Pursuant to Docket No. 15-ATMG-449-CCS, Atmos Energy requests permission to cease operating as a natural gas public utility in that territory.

4. Public convenience will be promoted by allowing Applicant to provide natural gas service in the territory described in Finding No. 2 above. The application, therefore, should be granted and a Certificate issued to Applicant in accordance with the provisions of K.S.A. 2014 Supp. 66-131.

IT IS, THEREFORE, BY THE COMMISSION CONSIDERED AND CERTIFIED:

A. The application filed herein is granted and Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy is permitted to transact the business of a natural gas public utility in the territory described in Finding No. 2 herein.

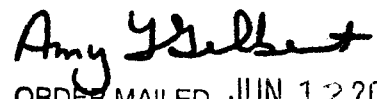
B. A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

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

BY THE COMMISSION IT IS SO CERTIFICATED.

Albrecht, Chair.; Emler, Commissioner; Apple, Commissioner

Dated: JUN 11 2015



ORDER MAILED JUN 12 2015

Amy L. Gilbert
Secretary

gdd

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

FROM: Gary Dawdy, Utility Engineer II
Leo Haynos, Chief Engineer
Jeff McClanahan, Director of Utilities

DATE: June 2, 2015

SUBJECT: 15-ATMG-444-COC
In the Matter of the Application of Atmos Energy for a Certificate of Public Convenience and Authority to Transact the Business of a Natural Gas Public Utility in the Northwest Quarter (NW/4) and that part of the East Half (E/2) of Section 6, Township 13 South, Range 19 East that is West of the Centerline of the K-10 Bypass and the East Half (E/2) of the Southeast Quarter (SE/4) of Section 5, Township 13 South, Range 20 East, in Douglas County, Kansas.

15-BHCG-445-CCS
In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, for Authority to Cease Transacting the Business of a Natural Gas Public Utility in the Northwest Quarter (NW/4) and that part of the East Half (E/2) of Section 6, Township 13 South, Range 19 East that is West of the Centerline of the K-10 Bypass and the East Half (E/2) of the Southeast Quarter (SE/4) of Section 5, Township 13 South, Range 20 East, in Douglas County, Kansas

15-BHCG-446-COC
In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, for a Certificate of Public Convenience and Authority to Transact the Business of a Natural Gas Public Utility in Certain Portions of Douglas County, Kansas.

15-ATMG-449-CCS
In the Matter of the Application of Atmos Energy, for Authority to Cease Transacting the Business of a Natural Gas Public Utility in Certain Portions of Douglas County, Kansas.

BACKGROUND:

On March 31, 2015, Black Hills/Kansas Gas Utility Company, LLC, dba Black Hills Energy (Black Hills) filed 15-BHCG-445-CCS and 15-BHCG-446-COC and Atmos Energy (Atmos) filed 15-ATMG-444-COC and 15-ATMG-449-CCS. These four above-captioned filings are companion Applications filed for the purpose of exchanging two separate areas of natural gas territory located adjacent to Lawrence, KS in Douglas County.

ANALYSIS:

Pursuant to K.S.A. 2014 Supp. 66-131, the Commission has jurisdiction to grant a certificate to a natural gas public utility seeking to transact business in the State of Kansas.

The statutory standard of review in this matter is whether the “public convenience 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.” K.S.A. 2014 Supp. 66-131.

Black Hills and Atmos have reached agreement and seek authority from the Commission to transfer these areas near Lawrence, KS. Due to the location of existing natural gas facilities, the transfer of these areas will result in the more efficient use of facilities serving existing and future customers in these areas. In one of the areas, located on the northwest side of Lawrence, Black Hills will transfer the area to Atmos except that it will retain and continue to serve 13 existing customers. The names and addresses of these customers are listed in the Application. The Applications include legal descriptions and maps, which accurately describe the areas being transferred. The customers listed in the Applications are current customers of Black Hills and will be retained. There are no other existing customers located within the areas being transferred which would need to be noticed of these filings. Staff is recommending that the Commission find that public convenience will be promoted by the granting of these Applications.

The Commission action date is September 27, 2015.

RECOMMENDATION:

Staff is recommending that the Applications in 15-ATMG-444-COC, 15-BHCG-445-CCS, 15-BHCG-446-COC and 15-ATMG-449-CCS, as captioned above be granted.

JUN 11 2015

KANSAS CORPORATION COMMISSION
AMY L. GILBERT, SECRETARY

DOCKET NO.: 15-BHCG-446-COC

ORDER DATE:

NAME AND ADDRESS

NO. OF
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ORDER MAILED JUN 12 2015

The Docket Room hereby certifies that on _____, a true and correct copy of the attached was deposited in the United States Mail, postage prepaid, addressed to the above persons.