

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of Kansas)
Gas Service, a Division of ONE Gas, Inc.,)
for an Extension of its Certificate of) Docket No. 19-KGSG-005-COC
Convenience and Necessity to Provide)
Service as a Natural Gas Public Utility in an)
Additional Designated Area in Johnson)
County, Kansas.)

ORDER ADOPTING STAFF’S REPORT & RECOMMENDATION

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. John Wiegers contacted Atmos Energy Corporation (Atmos) for natural gas service to the new house he was constructing in Johnson County, Kansas.¹ The house is in an area currently certificated to Atmos – 9225 W. 191st Street, Overland Park, Kansas.² Atmos reportedly informed Wiegers that its closest line was approximately four miles away from the residence and it would not be economically feasible to extend the line to his property.³ As a result, on October 5, 2017, Wiegers contacted Kansas Gas Service (KGS), whose certificated service territory is immediately adjacent to the area where the residence is located,⁴ for natural gas service.⁵

¹ Application, July 6, 2018, ¶ 3.

² *Id.*

³ *Id.*

⁴ *Id.* ¶ 4.

⁵ Joint Stipulation of Facts, Sept. 21, 2018, ¶ 3.

2. On July 6, 2018, KGS filed an Application for an Extension of its Certificate of Convenience and Necessity to provide natural gas service to the residence currently certified to Atmos.⁶

3. On July 19, 2018, Atmos filed a protest to the Application, alleging that KGS should be required to exchange like-kind service territory with Atmos.⁷ On July 23, 2018, KGS filed its Response to the Protest, requesting dismissal of Atmos's protest.

4. Under the proposed procedural schedule submitted by KGS and Atmos, if KGS and Atmos were unable to resolve their dispute, Commission Staff (Staff) would file a Report and Recommendation (R&R), and the parties would have 10 days to respond.⁸

5. On October 22, 2018, Staff filed its R&R, recommending the Commission: (1) issue a customer-specific certificate to KGS to continue serving 9225 W. 191st Street, Overland Park, Kansas; (2) issue a Certificate of Convenience and Necessity to KGS for the East half of Tract 1, namely, the East Half of the West Half of the Southeast Quarter of Section 36, Township 14 South, Range 24 East, approximately 80 acres; and (3) cease Atmos's Certificate of Convenience and Necessity in the East half of Tract 1, namely, the East Half of the West Half of the Southeast Quarter of Section 36, Township 14 South, Range 24 East.⁹ Staff believes those recommendations will solve the immediate service needs of the customers and provide Atmos an opportunity to evaluate its expansion.¹⁰

6. On October 30, 2018, Atmos filed a Response to Staff Report and Recommendation stating it has no objection to Staff's R&R.¹¹

⁶ Application, ¶ 3.

⁷ Atmos Energy Corporation Protest, July 19, 2018, ¶ 2.

⁸ Proposed Procedural Schedule, Aug. 31, 2018, ¶ 3.

⁹ Report and Recommendation, Oct. 22, 2018, p. 1.

¹⁰ *Id.*

¹¹ Atmos Energy Response to Staff Report and Recommendation, Oct. 30, 2018.

7. On November 1, 2018, KGS filed a Response of Kansas Gas Service to the Staff Report and Recommendation concurring with Staff's R&R.¹²

8. After reviewing Staff's R&R and the filings of Atmos and KGS, the Commission finds Staff's R&R to be just and reasonable. Staff's R&R resolves all of the issues in the Docket. Accordingly, the Docket is closed.

THEREFORE, THE COMMISSION ORDERS:

A. Staff's Report and Recommendation is adopted. KGS is granted a customer-specific certificate to continue serving the address of 9225 W. 191st Street, Overland Park, Kansas. KGS is also granted a Certificate of Convenience and Necessity for the East Half of Tract 1, namely, the East Half of the West Half of the Southeast Quarter of Section 36, Township 14 South, Range 24 East, approximately 80 acres. Atmos's Certificate of Convenience and Necessity in the East Half of Tract 1, namely, the East Half of the West Half of the Southeast Quarter of Section 36, Township 14 South, Range 24 East is ceased.

B. This Docket is closed.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹³

D. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

¹² Response of Kansas Gas Service to the Staff Report and Recommendation, Nov. 1, 2018.

¹³ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 11/15/2018



Lynn M. Retz
Secretary to the Commission

BGF/sb

CERTIFICATE OF SERVICE

19-KGSG-005-COC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 11/15/2018.

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