

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

**In the Matter of the Application of Black )  
Hills/Kansas Gas Utility Company, LLC, )  
d/b/a Black Hills Energy, for Approval of )  
the Commission to Make Certain Changes )  
in its Rates for Natural Gas Service )**

**Docket No. 25-BHCG-298-RTS**

**DIRECT TESTIMONY**

**PREPARED BY**

**ASHLYN M. HEFLEY**

**UTILITIES DIVISION**

**KANSAS CORPORATION COMMISSION**

**May 9, 2025**

1 **Q. Would you please state your name and business address?**

2 A. My name is Ashlyn M. Hefley. My business address is 1500 Southwest Arrowhead Road,  
3 Topeka Kansas, 66604

4 **Q. By whom and in what capacity are you employed?**

5 A. I am employed by the Kansas Corporation Commission (Commission or KCC), Utilities  
6 Division as a Utilities Engineer.

7 **Q. Please state your educational and employment background.**

8 A. I received a Bachelor of Science Degree in Chemical Engineering from Kansas State  
9 University in May 2021. I began employment at the Commission in my current position in  
10 June 2021.

11 **Q. Have you ever testified before this Commission?**

12 A. Yes. I provided testimony in docket number 24-WNCE-235-GIE. Additionally, I have  
13 participated in several dockets during my employment at the Commission. A list of my  
14 previous Staff assignments and areas covered is available upon request.

15 **SUMMARY OF TESTIMONY**

16 **Q. What is the purpose of your testimony?**

17 A. My testimony responds to Black Hills Energy's (BHE) proposal to increase annual  
18 spending in the areas of vegetation management, research and development (R&D), and  
19 the damage prevention program. I recommend that the Commission deny BHE's proposed  
20 adjustment IS-20 related to vegetation management. With respect to adjustment IS-26 for  
21 the Operations Technology Development (OTD) Program, I recommend that the  
22 Commission approve the adjustment with the cost split between shareholders and  
23 ratepayers. I also recommend that BHE be required to file an annual report detailing the

1 activities and expenditures under the OTD program. Regarding adjustment IS-27 for the  
2 damage prevention program, I recommend approval contingent upon BHE being required  
3 to report damages to the Kansas Corporation Commission within 30 minutes of being  
4 notified.

5 **VEGETATION MANAGEMENT**

6 **Q. Please describe BHE's proposal**

7 **A.** BHE is requesting to spend \$100,000 annually on vegetation management.<sup>1</sup> BHE asserts  
8 that tree roots can contribute to pipeline leaks over time, that untrimmed vegetation  
9 impedes the ability to perform leak surveys and routine maintenance, and that overgrown  
10 vegetation poses a risk of falling on above-ground facilities. BHE contends that the  
11 proposed adjustment is necessary to maintain safe and reliable service.<sup>2</sup> While BHE  
12 identifies potential risks associated with vegetation—such as damage from tree roots,  
13 obstructed access for leak surveys and maintenance, and hazards to above-ground  
14 facilities—the testimony does not present a clear or detailed plan of action to address these  
15 concerns through the proposed adjustment. As such, the justification for increased spending  
16 under adjustment IS-20 remains insufficient.

17 **Q. How many instances of excessive vegetation did BHE encounter in CY 2023 and 2024?**

18 **A.** Through the discovery process, Staff learned BHE identified 36 instances of vegetation  
19 issues while patrolling during 2023 and 2024.<sup>3</sup> Thirty-one of those vegetation issues were  
20 removed in the field. Only 5 vegetation incidents could not be removed easily on site and  
21 required a supervisor to take corrective action. Staff reviewed the patrolling records for

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<sup>1</sup> See Direct Testimony of Marc T. Eyre, page 23, lines 3-4

<sup>2</sup> See Direct Testimony of Marc T. Eyre, page 23, lines 21-22

<sup>3</sup> See the Response to Staff Data Request No. 174-SUPP-1

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1 each of the 5 incidents. The cause of these incidents was the overgrowth of trees and  
2 weeds.<sup>4</sup>

3 **Q. What is the number of leaks that have been caused by external damage from**  
4 **vegetation?**

5 **A.** According to BHE’s records, only six leaks attributed to external damage from vegetation  
6 and roots were identified between 2020 and 2024. This limited number of incidents over a  
7 five-year period does not, in my opinion, justify the proposed increase in annual vegetation  
8 management spending under adjustment IS-20, particularly in the absence of a clearly  
9 defined and targeted mitigation plan.<sup>5</sup> See Table 1 below that demonstrates the number of  
10 leaks due to vegetation compared to overall leaks in the last four years.<sup>6</sup> Based on the data  
11 provided, it is my contention that vegetation is not causing a large issue with leaks.  
12 Approximately 0.11% of all leaks were caused by vegetation.

13  
14 **Table 1. Number of Leaks by Year**

	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
<b>Total Leaks<sup>7</sup></b>	<b>943</b>	<b>976</b>	<b>1,139</b>	<b>1,384</b>	<b>1,057</b>
<b>Leaks caused by vegetation</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>1</b>

15  
16 **Q. Have you reviewed the vegetation management project list provided by BHE?**

17 **A.** Yes. It appears a large majority of the project descriptions provided between 2020-2024  
18 are for mowing, pest control, and spraying weeds.<sup>8</sup> Four of the six leaks previously

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<sup>4</sup> See the Response to Staff Data Request No. 215

<sup>5</sup> See the Response to Staff Data Request No. 172

<sup>6</sup> See the Response to Staff Data Request No. 224

<sup>7</sup> This number includes underground and aboveground leaks

<sup>8</sup> See the Response to Curb Data Request No.66

1 discussed were caused by tree roots or a fallen tree. The two remaining leaks were due to  
2 a crew member damaging meters that were hidden by vegetation. BHE's testimony  
3 emphasizes tree root intrusion as a primary concern; however, the project list submitted in  
4 support of adjustment IS-20 does not align with that stated priority. There is little to no  
5 evidence that the proposed projects specifically target root-related issues, which calls into  
6 question the consistency and justification of the requested increase in vegetation  
7 management spending. **Q. Has BHE provided evidence to show the need to expand**  
8 **the vegetation management program?**

9 **A.** No. In the testimony of Marc T. Eyre, the witness states there is a safety risk to the system  
10 and customers due to unchecked vegetation.<sup>9</sup> The data provided by BHE does not show the  
11 system is at risk for leaks caused by vegetation. Vegetation management is necessary to  
12 perform code requirements like leak surveys and patrolling and the cost is a legitimate  
13 expense incurred by BHE. However, an increase in spending is not needed based on the  
14 data provided. There were only 6 leaks caused by vegetation in the last four years and 5  
15 instances where vegetation could not be removed in the field, therefore, vegetation  
16 management does not seem to be an issue for BHE. I recommend the Commission deny  
17 BHE's request to increase vegetation management spending by \$100,000 annually. The  
18 Direct Testimony of Daniel Buller provides a financial analysis of the vegetation  
19 management adjustment.<sup>10</sup>

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<sup>9</sup> See Direct Testimony of Marc T. Eyre page 24 line 10

<sup>10</sup> See Direct Testimony of Daniel Buller, pages 12-14

1           **RESEARCH AND DEVELOPMENT**

2   **Q.     Describe the OTD.**

3   **A.**    The Operations Technology Development (OTD) program is a not-for-profit corporation  
4           structured as a member-controlled partnership of natural gas local distribution companies  
5           (LDCs). Its mission is to develop, test, and implement new technologies related to gas  
6           operations and infrastructure. The Gas Technology Institute (GTI) serves as the  
7           administrator of the OTD. GTI identifies and proposes projects based on the needs  
8           communicated by OTD members and develops proposals for the OTD Board's  
9           consideration. Once a project is proposed, each participating LDC independently  
10          determines which initiatives it wishes to fund. After GTI's administrative costs are  
11          deducted, the remaining funds are allocated to support approved R&D projects.  
12          Profits associated with a successful commercialized R&D project are re-invested in the  
13          OTD program.<sup>11</sup>

14 **Q.     What has the Commission decided on the OTD program in the past?**

15 **A.**    In dockets 04-GIMG-814-GIG, 16-KGSG-491-RTS and 18-KGSG-560-RTS, the  
16          Commission agreed with Staff's recommendation not to provide Kansas Gas Service  
17          (KGS) with ratepayer funding for R&D projects. Historically, Staff has compared the  
18          intangible benefits of R&D with the tangible benefits of replacing undesirable pipe.

19 **Q.     Please describe BHE's proposal**

20 **A.**    BHE is requesting to include an annual expense of \$57,000, or \$0.50 per meter, in its  
21          operating procedures to purchase a membership to the OTD.<sup>12</sup> In the Direct Testimony of  
22          Nicholas W. Smith, Ms. Smtih claims the membership will allow BHE to proactively

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<sup>11</sup> See docket 16-KGSG-491-RTS, Direct Testimony of Leo M. Haynos

<sup>12</sup> See Direct testimony of Nicholas W. Smith page 14 line 9

1 address industry challenges through the development and implementation of technologies  
2 that enhance operational efficiency, reliability, and safety.<sup>13</sup>

3 **Q. What other BHE state jurisdictions participate in the OTD program with funding**  
4 **provided by utility customers?**

5 **A.** BHE Wyoming, Iowa, Colorado, Nebraska, and Arkansas participate in OTD and are  
6 provided funding by utility customers.<sup>14</sup> There are no reporting requirements regarding the  
7 utilization of BHE membership in support of OTD in the five corresponding general rate  
8 case Commission Orders.<sup>15</sup>

9 **Q. Have you reviewed the list of projects being funded by Black Hills?**

10 **A.** Yes. All of the projects are related to decreasing operating costs.<sup>16</sup> These projects are  
11 funded collectively and not by individual jurisdictions.

12 **Q. Does BHE currently use any projects funded through OTD?**

13 **A.** Yes. Locusview Digital Construction Management (DCM) is used in all of BHE's  
14 distribution states in their service territory.<sup>17</sup> BHE became part of the OTD after the  
15 completion of the DCM and did not invest in the development.<sup>18</sup> BHE purchased  
16 Locusview and pays an annual license fee for its use. It is my contention that the DCM was  
17 a reasonable investment because it allowed BHE to be more efficient in documenting the  
18 location of its facilities and completed field work.

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<sup>13</sup> See Direct testimony of Nicholas W. Smith page 15 lines 2-5

<sup>14</sup> See the Response to Staff Data Request No.208

<sup>15</sup> See the Response to Staff Data Request No.195, 217, The corresponding docket numbers are: Wyoming: 30026-78-GR-23Iowa: RPU-2021-0002, Colorado: 21AL-0236G, Nebraska: NG-109, Arkansas: 21-097-U

<sup>16</sup> See the Response to Staff Data Request No.209

<sup>17</sup> See Direct testimony of Nicholas W. Smith page 15 lines 8-14

<sup>18</sup> See the Response to Staff Data Request No. 211

1 **Q. Do you support the proposal?**

2 **A.** I am not opposed to BHE's proposed adjustment for participation in the OTD program.  
3 However, I recommend that the associated costs be shared between ratepayers and  
4 shareholders, and that BHE be required to file a compliance report with the Commission  
5 detailing its involvement and project participation. OTD research projects have the  
6 potential to improve operational efficiency, which could reduce operating expenses for  
7 ratepayers if the projects prove successful. At the same time, increased efficiency enables  
8 BHE to focus its capital investments on utility-improving projects. Additionally,  
9 investments in systems like Locusview, which enhance recordkeeping quality, offer direct  
10 shareholder benefits by reducing potential liability from pipeline failures. While R&D  
11 efforts may yield future benefits, it is not appropriate for ratepayers to bear the full cost of  
12 speculative gains that could also benefit shareholders.

13 **Q. Why should the cost of the OTD membership be split between shareholders and**  
14 **ratepayers?**

15 **A.** R&D benefits the ratepayers because it lowers operating costs and benefits the shareholders  
16 because it allows them to focus their investments on capital expenditure rather than making  
17 repairs. R&D also reduces the risk of accidents if the processes of maintaining the system  
18 are efficient. If the shareholders are required to invest in R&D, BHE will have the incentive  
19 to closely manage the GTI projects instead of simply monitoring them. BHE should be able  
20 to demonstrate to ratepayers that they are benefiting from the investment.

21 **Q. What reporting requirements regarding the OTD membership do you recommend?**

22 **A.** A process needs to be in place because as a corporation, BHE is investing a large sum of  
23 money in R&D. I recommend BHE file a report with the Commission that explains the

1 projects being funded by BHE in the OTD, if any are being utilized by BHE and why other  
2 projects were not selected. I recommend a compliance docket be opened with a mutually  
3 agreed upon proposal between BHE and KCC that determines what will be included in the  
4 report. A reporting requirement would bolster support in BHE's investment.

5 **DAMAGE PREVENTION**

6 **Q. Please describe BHE's proposal**

7 **A.** BHE proposes to spend \$49,228 annually to improve its damage prevention program  
8 through advertising. This expectation of this adjustment is to increase public awareness  
9 and educate the public of the damage prevention program.<sup>19</sup> BHE is required to develop a  
10 public awareness program that includes the goal of damage prevention. BHE contends that  
11 through public outreach to excavators and homeowners, the investment will benefit  
12 customers through reduced damages and increased public safety.

13 **Q. Does the KCC have a damage prevention enforcement program?**

14 **A.** Yes. The KCC Pipeline Safety Program consists of two special damage prevention  
15 investigators located in Olathe and Wichita.

16 **Q. How is the KCC alerted of damages?**

17 **A.** Typically, the gas companies report damages to the KCC. The notifications allow the KCC  
18 to investigate damages and successfully implement our damage prevention program. The  
19 data that comes from the notifications is also used to decrease the amount of damages.  
20 When the KCC is alerted of a damage, the special investigators evaluate the situation and  
21 determine who is responsible based on the Kansas pipeline safety regulations. If violations  
22 have occurred, the investigators recommend a civil penalty be issued. Through these

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<sup>19</sup> See Direct Testimony of Marc T. Eyre page 21, lines 6-8

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1 investigations, operators and excavators are educated and Staff uses this data to decrease  
2 damages.

3 **Q. Is BHE required to notify the KCC of damages?**

4 **A.** No. BHE voluntarily notifies the KCC of its damages. Because there is no requirement, the  
5 KCC does not receive the notifications in a timely manner.

6 **Q. Are KGS and Atmos required to notify the KCC of damages?**

7 **A.** Yes. Docket 13-DPAX-250-GIV requires KGS to notify the Commission pipeline safety  
8 staff within 30 minutes of KGS being notified of an excavation damage to their pipeline  
9 facilities.<sup>20</sup> Docket 14-ATMG-156-GIP requires Atmos to provide the KCC with electronic  
10 notices of damages related to excavation activity within 30 minutes after Atmos has been  
11 notified of the damage.<sup>21</sup>

12 **Q. Do you support BHE's proposal?**

13 **A.** Yes, provided BHE is required to notify the KCC of damages within 30 minutes of BHE  
14 being notified. Additionally, BHE should be required to explicitly verify through written  
15 testimony in its next rate case that it has actually incurred these higher advertising  
16 expenses. In 2024, BHE identified 160 uncontrolled releases caused by third party  
17 damages and 154 were due to the fault of the excavator.<sup>22</sup> The KCC investigated 25 BHE  
18 damages in 2024 and determined BHE was at fault in 8 of them. An expansion of BHE's  
19 damage prevention program and reporting requirements to the Commission would reduce  
20 the amount of damages which is a benefit to public safety and Black Hills ratepayers.

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<sup>20</sup> See docket 13-DPAX-250-GIV Final Order

<sup>21</sup> See docket 14-ATMG-156-GIP Joint Motion to Approve Settlement Agreement

<sup>22</sup> See the Response to Staff Data Request No. 168

1 **Q. Why should BHE be required to notify the KCC of damages?**

2 **A.** From the perspective of BHE, it is not at fault in a majority of the third party damages that  
3 occur to their system. When the KCC investigates BHE's damages, it seems Staff finds  
4 BHE at fault more often. If the KCC is involved in damages investigations, it will improve  
5 BHE's damage prevention goals because Staff has a different perspective. KCC  
6 involvement will not be possible without timely notifications of damages. At this time, the  
7 voluntary notifications seem to be sent sporadically. As previously mentioned, KGS and  
8 Atmos already report this to the KCC. BHE is the only major gas company it is not required  
9 for.

10 **CONCLUSIONS AND RECOMMENDATIONS**

11 **Q. Could you summarize your recommendations?**

12 **A.** The following summarizes my recommendations:

- 13 • I recommend the Commission deny BHE adjustment IS-20 for a \$100,000 increase in  
14 vegetation management spending.
- 15 • I recommend the Commission approve \$25,000 annual spending on OTD membership with  
16 the condition the shareholders fund the remaining \$25,000 and BHE file an annual report  
17 on the details of the OTD program.
- 18 • I recommend the Commission approve BHE adjustment IS-27 for a \$49,228 increase in  
19 damage prevention spending under the condition that BHE is required to report damages  
20 to the KCC within 30 minutes of being notified, and the condition that BHE is required to  
21 verify through written testimony in its next rate case that it has incurred these higher  
22 advertising expenses.

23 **Q. Does this conclude your testimony?**

24 **A.** Yes.

STATE OF KANSAS )  
 ) ss.  
COUNTY OF SHAWNEE )

**VERIFICATION**

Ashlyn Hefley, being duly sworn upon her oath deposes and states that she is a Utilities Engineer for the Utilities Division of the Kansas Corporation Commission of the State of Kansas, that she has read and is familiar with the foregoing *Direct Testimony*, and attests that the statements contained therein are true and correct to the best of her knowledge, information and belief.



Ashlyn Hefley  
Utilities Engineer  
State Corporation Commission of the  
State of Kansas

Subscribed and sworn to before me this 30 day of April, 2025.



Notary Public

My Appointment Expires: 4/28/29

 NOTARY PUBLIC - State of Kansas  
ANN M. MURPHY  
My Appt. Expires 4/28/29

## **CERTIFICATE OF SERVICE**

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I, the undersigned, certify that a true and correct copy of the above and foregoing Direct Testimony was served via electronic service this 9th day of May, 2025, to the following:

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25-BHCG-298-RTS

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