2010.04.08 09:31:23 Kansas Corporation Commission /S/ Susan K. Duffy

THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Thomas E. Wright, Chairman
	Joseph F. Harkins

In the Matter of the Application of Black)	
Hills/Kansas Gas Utility Company, LLC, d/b/a)	
Black Hills Energy for Approval to Implement)	
Black Hills Energy's Five-Year Energy)	
Efficiency Plan Consisting of Natural Gas)	
Energy Efficiency Programs to Improve)	
Building and Equipment Efficiency and to)	
Educate About Efficient Energy Usage, To)	Docket No: 10-BHCG-639-TAR
Provide for Program Cost Recovery through a)	
Rider Mechanism, Permit the Implementation)	
Of a Revenue Normalization Mechanism to)	
Replace the Weather Normalization)	
Adjustment, A Performance Incentive)	
Mechanism, And Appropriate Accounting)	
Authority to Defer Expenses and Revenues)	
Associated with the Filing.)	

ORDER GRANTING INTERVENTION FOR THE CITIZENS' UTILITY RATEPAYER BOARD

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

1. On March 31, 2010, Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills Energy) filed an Application seeking approval of the Commission to establish a portfolio of basic natural gas energy-efficiency programs. Application, March 31, 2010, ¶ 6 (Application, ¶ 6).

2. On April 2, 2010, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene seeking a Commission Order permitting CURB leave to intervene as a party in this

matter. In its petition, CURB states that it has discretion, under K.S.A. 66-1223 et seq., to intervene and represent the interests of residential and small commercial ratepayers in any utility proceeding before the Commission. Petition to Intervene, \P 2. CURB claims that the rates paid and service received by the customers it represents will or may be affected by a Commission order or activity in this proceeding. Petition to Intervene, \P 4.

3. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(a)(3); K.A.R. 82-1-225. At any time during a proceeding, the Commission may impose limitations on an intervener's participation. K.S.A. 77-521(c).

4. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and should be granted intervention. CURB will be added to the mailing list, service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

David Springe #15619 Niki Christopher #19311 C. Steven Rarrick #13127 Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, Kansas 66604 (785) 271-3200 (785) 271-3116 Fax

5. In addition to the counsel of record for CURB listed above, service of electronic

pleadings, communications, and correspondence should be delivered to CURB's other designees:

Shonda Smith, Officer Manager Della Smith, Administrative Specialist Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, Kansas 66604

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Citizens' Utility Ratepayer Board is granted intervention in the abovecaptioned proceeding. Counsel of record for the petitioner and its other designees shall receive service of all pleadings in this matter, as set forth above.

B. Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2009 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chairman; Harkins, Commissioner

Dated: _____ 0 7 2010

vi i Fill Susan K. Duffy

Executive Director

ORDER MAILED APR 08 2010

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