

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

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

In the Matter of the Complaint of)
Kansas Gas Service, a Division of ONE)
Gas, Inc., Against Westar Energy, Inc.,)
Regarding Westar’s Practice of Offering) Docket No. 19-WSEE-061-COM
Payments to Developers in Exchange for)
The Developers Designing All Electric)
Subdivisions.)

ORDER GRANTING PETITION TO INTERVENE

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:

I. Background

1. On August 7, 2018, Kansas Gas Service, a Division of One Gas, Inc. (“Kansas Gas Service”) filed its complaint (“Complaint”) against Westar Energy, Inc. (“Westar”). The Complaint alleges that Westar has an unauthorized practice of offering payments to developers in exchange for the developers designing all electric subdivisions.¹

2. On October 10, 2018, Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (“Black Hills”) filed a petition to intervene pursuant to K.S.A. 77-521 and K.A.R. 82-1-225.²

¹ *Kansas Gas Service Formal Complaint*, (“Complaint”), (Aug. 7, 2018).

² *Black Hills Energy Petition to Intervene and Comments*, (Petition) (Oct. 10, 2018).

3. Black Hills is a corporation organized and existing under the laws of the state of Kansas and is a public utility engaged in the local distribution of natural gas in the state of Kansas. Black Hills has certificates of convenience and necessity to provide natural gas service in areas of Kansas where Westar provides electric service.

4. There have been no objections to Black Hills' Petition to Intervene.

II. Legal Standards

5. The Commission shall grant intervention if the petition: (1) is submitted in writing and properly served; (2) state facts demonstrating the petitioner's legal rights, duties, privileges, immunities or other legal interests that 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.³ 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.⁴ 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.⁵

III. Findings and Conclusion

6. Black Hills submitted its petition to intervene in writing and properly served it pursuant to K.S.A. 77-521(a)(1). The Commission finds that Black Hills has met the requirements

³ K.S.A. 77-521(a); K.A.R. 82-1-225(a).

⁴ K.S.A. 77-521(b); K.A.R. 82-1-225(b).

⁵ K.S.A. 77-521(c); K.A.R. 82-1-225(c).

of K.S.A. 77-521 and there exists no evidence, the interests of justice or the orderly and prompt conduct of the proceedings will be impaired by Black Hills' intervention in this matter.

7. Black Hills will be added to the official service list. Service of pleadings, communication, and correspondence should be delivered to counsel of record and Black Hills' other designees, as follows:

Dari Dornan
Associate General Counsel
1102 East 1st Street
Papillion, NE 68046
(402) 227-2288, telephone
(401) 221-2686, facsimile
Dari.dornan@blackhillscorp.com

Robert J. Amdor
Director Regulatory
1102 East 1st Street
Papillion, NE 68046
(402) 221-2227, telephone
(401) 221-2686, facsimile
Robert.amdor@blackhillscorp.com

THEREFORE, THE COMMISSION ORDERS:

- A. Black Hills' Petition to Intervene is granted pursuant to K.S.A. 77-521.
- B. 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).⁶
- C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/30/2018



Lynn M. Retz
Secretary to the Commission

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⁶ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

19-WSEE-061-COM

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 10/31/2018.

ROBERT J. AMDOR, MANAGER, REGULATORY SERVICES
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
1102 E FIRST ST
PAPILLION, NE 68046
Fax: 402-829-2227
robert.amdor@blackhillscorp.com

COLE BAILEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.bailey@kcc.ks.gov

DARI R. DORNAN, ASSOCIATE GENERAL COUNSEL
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
1102 East 1st Street
Papillion, NE 68046
dari.dornan@blackhillscorp.com

JUDY JENKINS HITCHYE, MANAGING ATTORNEY
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421W 129TH ST
OVERLAND PARK, KS 66213-2713
Fax: 913-319-8622
judy.jenkins@onegas.com

PHOENIX ANSHUTZ, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
p.anshutz@kcc.ks.gov

CATHRYN J. DINGES, CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
jflaherty@andersonbyrd.com

ROBERT VINCENT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
r.vincent@kcc.ks.gov

/S/ DeeAnn Shupe
DeeAnn Shupe