

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Investigation into Kansas)
Gas Service Company, a Division of One Gas)
Inc. Regarding the February 2021 Winter) Docket No. 21-SPEE-331-GIE
Weather Events, as contemplated by Docket)
No. 21-GIMX-303-MIS.)

**ORDER GRANTING INTERVENTION TO NATIONAL BEEF
PACKAGING COMPANY, LLC**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. The Commission makes the following findings:

1. On February 15, 2021, pursuant to K.S.A. 77-536(a), the Commission issued an Emergency Order directing all jurisdictional natural gas and electric utilities to coordinate efforts and take all reasonably feasible, lawful, and appropriate actions to ensure adequate transportation of natural gas and electricity to interconnected, non-jurisdictional Kansas utilities.¹ Jurisdictional natural gas and electric utilities were ordered to do everything necessary to ensure natural gas and electricity service continued to be provided to their customers in Kansas.² The Commission mandated that once the 2021 Winter Weather Event ended, and after all costs have been accumulated and recorded, each jurisdictional utility is directed to file a compliance report in the 21-303 Docket detailing the extent of such costs incurred, and present a plan to minimize the financial impacts of this event on ratepayers over a reasonable time frame.³

¹ Docket No. 21-GIMX-303-MIS (Docket 21-303), Emergency Order, ¶ 3 (Feb. 15, 2021).

² *Id.* ¶ 4.

³ *Id.* ¶ 5.

2. On March 9, 2021, the Commission issued an Order Adopting Staff's Report and Recommendation (R&R) to Open Company-Specific Investigations.⁴ The Commission's order initiated the instant proceeding.

3. On March 16, 2021, National Beef Packaging Company, LLC (National Beef) filed a Petition to Intervene.⁵ National Beef is a beef processing company headquartered in Kansas City, Missouri. National Beef operates facilities in Liberal, Dodge City, and Kansas City, Kansas and employs over 8,000 people in the United States. Southern Pioneer serves multiple facilities of National Beef in and around Liberal. As a result of the cold weather event, National Beef has been informed by Southern Pioneer that its total additional cost associated with this weather event is approximately \$2,541,707.00 for the month of February, as compared to an invoice of approximately \$430,000 in January 2021.

4. National Beef claims the effects of the cold weather event were particularly acute on them. Further, National Beef claims Southern Pioneer's plans to minimize financial effects of the cold weather event will have a significant cumulative effect on National Beef. Currently, National Beef is reviewing Southern Pioneer's Application and direct testimony to assess the basis for those cost increases and to evaluate the full impact upon National Beef. The merit and prudence of those cost increases and how Southern Pioneer proposes to allocate those costs, either in the form of increased future rates or through collections on amounts charged last month, will substantially impact National Beef.

5. The Commission shall grant intervention if the petition: (1) is submitted in writing and properly served; (2) states facts demonstrating the petitioner's legal rights, duties, privileges,

⁴ Order Adopting Staff's R&R to Open Company-Specific Investigations; Order on Petitions to Intervene of Bluemark and CURB; Protective and Discovery Order (Docket No. 21-GIMX-303-MIS) (Mar. 9, 2021).

⁵ National Beef Petition to Intervene (Mar. 16, 2021).

immunities or other legal interests 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.⁶ 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.⁷ 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.⁸

6. National Beef submitted its Petition to Intervene in writing, properly served it in accordance with K.S.A. 77-521(a)(1), and stated facts demonstrating its legal rights and interests may be substantially affected by this proceeding under K.S.A. 77-521(a)(2). The Commission finds National Beef's intervention will not impair the interests of justice, nor will its participation impede the orderly and prompt conduct of the proceedings, in accordance with K.S.A. 77-521(a)(3). Thus, the Commission finds National Beef has met the requirements for intervention in K.S.A. 77-521 and K.A.R. 82-1-225, and therefore, should be granted intervention and full participation in all aspects of this docket.

7. National Beef shall be added to the mailing list, with service of electronic notes, pleadings, testimony, orders, communications, and other documents directed to the following:

⁶ K.S.A. 77-521(a); K.A.R. 82-1-225(a).

⁷ K.S.A. 77-521(b); K.A.R. 82-1-225(b).

⁸ K.S.A. 77-521(c); K.A.R. 82-1-225(c).

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THEREFORE, THE COMMISSION ORDERS:

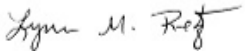
A. National Beef Packaging Company, LLC is granted intervention.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 03/30/2021

PZA



Lynn M. Retz
Executive Director

CERTIFICATE OF SERVICE

21-SPEE-331-GIE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 03/30/2021.

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