

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Evergy Kansas)
Metro, Inc., Evergy Kansas South, Inc. and)
Evergy Kansas Central, Inc. for Approval of its) Docket No. 22-EKME-254-TAR
Demand-Side Management Portfolio Pursuant to)
the Energy Efficiency Investment Act (KEEIA).)

PETITION FOR INTERVENTION

Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy ("Black Hills"), states as follows:

1. Black Hills is a natural gas public utility operating in the state of Kansas pursuant to certificates of convenience and necessity issued by the Kansas Corporation Commission ("Commission"). Its principal place of business in the state of Kansas is located at 601 N. Iowa Street, Lawrence, Kansas 66044.

2. In this docket, Evergy Kansas Metro, Inc. ("Evergy Kansas Metro") and Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (collectively referred to as "Evergy") seek approval of a new Demand-Side Management Portfolio pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283. This is the second energy efficiency filing made by Evergy under KEEIA.¹

3. Black Hills competes with Evergy Kansas Metro in several locations in Kansas, including in the Lawrence and Wichita, Kansas areas, and has been allowed to intervene in Kansas City Power & Light Company's ("KCPL"), Evergy Kansas Metro's predecessor, previous dockets

¹Black Hills was granted intervention in Kansas City Power & Light Company's first KEEIA filing in Docket No. 16-KCPE-446-TAR, Order Granting Black Hills Intervention issued June 7, 2016.

where KCPL has sought regulatory approval of energy efficiency programs.²

4. To the extent the Commission may significantly alter its policy and practice heretofore applied by the Commission to energy efficiency programs based upon KEEIA, and in particular the Commission's previous findings that electric utility energy efficiency programs should not be structured in a manner which encourages a customer to switch from a natural gas burning appliance to a device fueled by electricity, or which subsidizes electric usage to the detriment of natural gas usage, or that such program must be designed to create a "reduction of the net consumption of electricity by the participating retail customers" and not for load building, such could have a negative impact on Black Hills and its customers.³

5. Black Hills wishes to intervene in this case and has an interest in knowing the impact of any Commission policy change relating to its review of energy efficiency programs on customers who may switch fuel uses from natural gas to electricity. Black Hills has an interest in whether the Commission may make any changes to its energy efficiency policy under KEEIA as it relates to cost recovery and incentive payments as well as the methodologies that may be adopted for the approval of energy efficiency programs and to ensure that such policy changes, if any, do not result in the promotion of unfair competition, or the discriminatory subsidization of electric users by natural gas users. Accordingly, Black Hills has a substantial interest in these proceedings.

6. Black Hills' legal rights, duties, privileges, immunities or other legal interests will be subsequently affected by this proceeding. Its revenues could be affected by any fuel switching aspects addressed in any change of the Commission's policy regarding energy efficiency programs under

²Docket Nos. 08-KCPE-581-TAR; 10-KCPE-795-TAR; 16-KCPE-446-TAR.

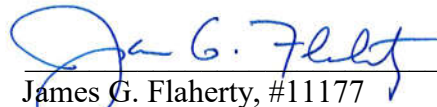
³See Final Order, Docket No. 15-KCPE-446-TAR, issued June 22, 2017, page 53, paragraph 138.

KEEIA. Any change in the Commission's policy could provide Evergy Kansas Metro an unfair competitive advantage over Black Hills.

7. No party other than Black Hills can adequately and efficiently represent its interests in this proceeding.

8. Granting intervention to Black Hills in this docket is in the interest of justice and will not impair the orderly and prompt conduct of the proceedings in this matter. Black Hills agrees to accept the schedule as currently set in this matter.

WHEREFORE, Black Hills respectfully requests that it be granted intervention in this docket, and that as an intervenor, Black Hills be granted full rights of participation in this docket.



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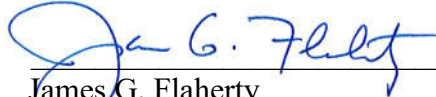
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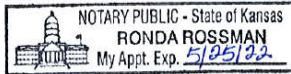
VERIFICATION

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being first duly sworn on oath, states: That he is an attorney for Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, and is duly authorized to make this affidavit; that he has read the foregoing Petition for Intervention, knows the contents thereof; and that the facts set forth therein are true and correct.


James G. Flaherty

SUBSCRIBED AND SWORN to before me this 18th day of January, 2022.





Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail, this 18th day of January, 2022, addressed to:

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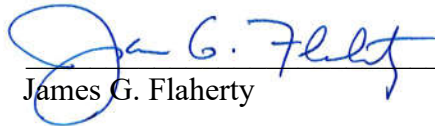
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