

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

In the Matter of the General Investigation )  
Into the Confidential Status of Certain ) Docket No. 24-GIMX-376-GIV  
Documents Related to Costs Incurred )  
During Winter Storm Uri )

**PETITION TO INTERVENE**

COMES NOW, State of Kansas, *ex rel.* Kris Kobach, Attorney General, and petitions the Corporation Commission (“Commission”) of the State of Kansas for intervention in the above-captioned case pursuant to K.S.A. § 77-521. In support of its petition, the Office of Attorney General Kris Kobach (“OAG”) alleges as follows:

1. On November 9, 2023, the Commission issued an order opening a general investigation into the natural gas costs incurred during Winter Storm Uri because of multiple Kansas Open Records Requests (“KORA”). (Order Opening Gen. Investigation ¶ 1)

2. Due to the passage of time, the general investigation will consider whether the costs incurred by Kansas jurisdictional utilities may no longer be considered confidential. (*Id.* ¶ 2.)

3. Kris Kobach is the duly elected, qualified, and acting Attorney General for the State of Kansas.

4. The Attorney General has statutory and common law authority to enforce the Kansas Consumer Protection Act (“KCPA”), K.S.A. § 50-623, *et seq.*, to protect consumers from suppliers who commit deceptive and unconscionable acts and practices.

5. Specifically, the OAG has authority to enforce the unconscionable act of profiteering from a disaster. K.S.A. § 50-6,106. Profiteering from a disaster is the unjustifiable increase during a disaster of a “necessary property or service,” including and specifically here

consumers' use of natural gas, a necessary service, during the time of the winter disaster.

6. The OAG has exclusive authority to enforce the Kansas False Claims Act (“KFCA”), K.S.A. § 75-7501, *et seq.*, which prohibits making a fraudulent claim upon the State government and any political subdivision.

7. The OAG opened an investigation into natural gas pricing in March 2021, to determine if violations of state or federal law occurred. The OAG investigation is ongoing.

8. Currently, the OAG has litigation pending in Shawnee County District Court, SN-CV-2022-000677, related to Winter Storm Uri and natural gas prices.

9. In the original Uri Dockets<sup>1</sup>, the Commission issued a protective and discovery order directing Staff to share discovery to assist the OAG in performing its duties under K.S.A. § 75-702 and 75-708.

10. The OAG received full access to confidential documents produced in the Uri Dockets. (Order ¶ 1.)

11. Pursuant to K.S.A. § 77-521(a), the OAG’s *parens patriae* legal interests on behalf of Kansas citizens and consumers may be substantially affected by this proceeding and granting the OAG’s petition to intervene will not impair the orderly and prompt conduct of this action. The events that led to unprecedented increase in the price of natural gas directly impacts Kansas citizens who bear the extraordinary and unprecedented costs of the natural gas spikes.

12. The KCPA provides the Attorney General the right to bring an action to have a practice declared illegal under the KCPA, to collect actual damages on behalf of aggrieved consumers, among other remedies. K.S.A. § 50-632(a)(4).

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<sup>1</sup> The “Uri Dockets” include Dockets No. 21-EKME-329-GIE, 21-EPDE-330-GIE, 21-KGSG-332-GIG, 21-ATMG-333-GIG, AND 21-BHCG-334-GIG. (Order ¶ 1.)

13. The OAG seeks to intervene and participate in this general investigation to protect Kansas citizens impacted by any decisions of the Commission and determine what impact those decisions have on the OAG's investigation or litigation.

14. Any monetary relief the OAG obtains as a result of its Winter Storm Uri investigation and litigation will be returned to Kansans to offset the extraordinary costs Kansas consumers incurred. K.S.A. § 77-521(a)(2).

15. The OAG meets the standards for intervention under the Kansas Administrative Procedures Act. Permitting the OAG to intervene is in the interests of justice because it will ensure Kansas citizens' and governmental entities' legal interests are protected. The actions of the Commission regarding orders on the confidential treatment of documents disclosed in the Uri Dockets may have significant impact on consumers and governmental entities throughout the state.

16. The OAG therefore requests the Commission grant the OAG's Petition to Intervene and allow its full participation in this docket.

17. All communications and correspondence to the Office of Attorney General Kris Kobach, including service of electronic notices, pleadings and orders of the Commission, are requested to be sent to the following:

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WHEREFORE, the Office of the Attorney General respectfully requests the Commission enter an Order allowing it to intervene in this proceeding and for all other relief, which the Commission deems just and proper.

Respectfully submitted:

/s/ *Melanie S. Jack*

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STATE OF KANSAS            )  
  ) ss:  
COUNTY OF SHAWNEE    )

**VERIFICATION**

I, Melanie Jack, verify under penalty of perjury that I have caused the foregoing pleading to be prepared; that I have read and reviewed the same; and that the contents thereof are true and correct to the best of my information, knowledge and belief.

*/s/ Melanie S. Jack*

**CERTIFICATE OF SERVICE**

24-GIMX-376-GIV

I, undersigned, hereby certify that on the 17<sup>TH</sup> day of November 2023, a true and correct copy of the above and foregoing pleading was electronically served on the following:

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