

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

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

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

**ORDER OPENING GENERAL INVESTIGATION**

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 and conclusions:

1.        Recently, the Commission has received several requests pursuant to the Kansas Open Records Act (KORA) for documents concerning gas costs incurred by Kansas jurisdictional utilities during Winter Storm Uri. The requested documents are all included in the administrative record in Dockets No. 21-EKME-329-GIE, 21-EPDE-330-GIE, 21-KGSG-332-GIG, 21-ATMG-333-GIG, and 21-BHCG-334-GIG (Uri Dockets) and were designated as confidential by the utilities. While the documents were designated as confidential, the participants in the Uri Dockets, including the Kansas Attorney General’s Office, Commission Staff, and the Citizens’ Utility Ratepayer Board had full access to the confidential documents, subject to signing non-disclosure agreements and other terms of the Commission’s Protective and Discovery Orders. Redacted, non-confidential versions of the documents are available to the public on the Commission’s website.

2. The Commission opened the Uri Dockets on March 9, 2021.<sup>1</sup> In its Order Opening the Uri Dockets, the Commission also issued a Protective and Discovery Order, which explained, “All persons who are afforded access to confidential information under the terms of this Protective Order shall neither use nor disclose such information for purposes of business or competition or *any other purpose other than the purpose of preparation for and litigation of this proceeding.*”<sup>2</sup>

3. The Commission issued final orders in the Uri Dockets in March 2022, June 2022, and January 2023. Due to the passage of time, the Commission believes it is appropriate to reevaluate whether the confidential designations and related protections against disclosure should remain in place, be modified, or lifted entirely. While the Commission is generally disinclined to revisit confidentiality designations, the unique nature of the Uri Dockets causes the Commission to open this general investigation.

4. Earlier today, in the 24-GIMX-238-MIS Docket, the Commission directed the opening of a general investigation to comprehensively address the confidentiality of natural gas invoices in the Uri Dockets.<sup>3</sup> Accordingly, the Commission opens a general investigation into whether certain documents designated as confidential in the Uri Dockets should remain confidential.

5. Any affected Kansas jurisdictional utility which designated documents as confidential in the Uri Dockets is encouraged to participate in this general investigation and will be automatically granted formal intervenor status upon the filing of an Entry of Appearance. In a

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<sup>1</sup> Order Adopting Staff's Report and Recommendation to Open Company-Specific Investigations; Order on Petitions to Intervene of BlueMark Energy, LLC and CURB; Protective and Discovery Order, Docket No. 21-GIMX-303-MIS, March 9, 2021, ¶ 10.

<sup>2</sup> *Id.*, ¶ 26 (Emphasis added.).

<sup>3</sup> Order on Petition for Reconsideration, Docket No. 24-GIMX-238-MIS, Nov. 9, 2023, ¶ 14.

subsequent order, the Commission will provide guidance on the schedule and the scope of the investigation.

**THEREFORE, THE COMMISSION ORDERS:**

A. A general investigation into the confidential status of certain documents related to costs incurred during Winter Storm Uri is opened.

B. Any affected Kansas jurisdictional utility which designated any documents confidential in the Uri Dockets is encouraged to participate in this general investigation and will be automatically granted formal intervenor status upon the filing of an Entry of Appearance.

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/09/2023



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Lynn M. Retz  
Executive Director

BGF

## CERTIFICATE OF SERVICE

24-GIMX-376-GIV

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/09/2023.

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