

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

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

In the Matter of the Application of Kansas)
City Power & Light Company to Make)
Certain Changes in Its Charges for Electric) Docket No. 18-KCPE-480-RTS
Service.)

**ORDER GRANTING INTERVENTION TO BLUE VALLEY SCHOOLS USD 229,
SPRING HILL SCHOOL DISTRICT USD 230, AND JOHNSON COUNTY
COMMUNITY COLLEGE**

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:

1. On May 1, 2018, Kansas City Power & Light Company (KCP&L) filed for a \$32.9 million revenue increase, including property tax rebasing.¹ As a result of its merger with Westar Energy, Inc., KCP&L has reduced its requested revenue increase to \$22.6 million.²
2. On September 11, 2018, the Commission granted intervention to Olathe Public Schools USD 233 (USD 233), as a direct retail customer of KCP&L, with a substantial, financial interest in cost of service, rate design, tariff, and policy issues that may be addressed in this Docket.³
3. On September 11, 2018, Blue Valley Schools USD 229 (USD 229); Spring Hill School District USD 230 (USD 230); and Johnson County Community College (JCCC) all filed

¹ Application, May 1, 2018, ¶ 3.

² Supplemental Direct Testimony of Darrin R. Ives, June 26, 2018, pp. 4-5.

³ Order Granting Intervention to Olathe Public Schools USD 233, Sept. 11, 2018, ¶ 2.

separate Petitions to Intervene,⁴ explaining they are direct retail customers of KCP&L with a substantial, direct financial interest in the cost of service, rate design, tariff, and policy issues that may be addressed in this Docket, and that no other party adequately represents their interests.⁵

4. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties and privileges, immunities, or other legal interests may be substantially affected by the proceeding.⁶ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.⁷ Among the limitations contained in K.S.A. 77-521(c) is requiring multiple intervenors to combine their participation in the proceedings.

5. The Commission finds and concludes USD 229, USD 230 and JCCC have met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this Docket.

6. Pursuant to K.S.A. 77-521(c)(3), the Commission finds it appropriate to condition the intervention of USD 229, USD 230 and JCCC on requiring them to combine their activities in this Docket with USD 233, including their presentations of evidence, argument, cross-examination, discovery, and other participation in the proceedings. The Commission notes that Jim Zakoura and Andrew French of Smithyman & Zakoura, are counsel for all four entities, and on September 12, 2018, David Banks submitted testimony on behalf of USD 233, USD 229, USD

⁴ Petition to Intervene of Blue Valley Schools USD 229, Sept. 11, 2018, ¶ 6; Petition to Intervene of Spring Hill School District USD 230, Sept. 11, 2018, ¶¶ 2, 6; Petition to Intervene of Johnson County Community College, Sept. 11, 2018, ¶ 2.

⁵ *Id.*, ¶ 6.

⁶ K.S.A. 77-521; K.A.R. 82-1-225.

⁷ K.S.A. 77-521(c).

230 and JCCC.⁸ Therefore, combining their participation is in the interest of judicial economy and combining their activities in the Docket will not prejudice the intervenors.

THEREFORE, THE COMMISSION ORDERS:

A. Blue Valley Schools USD 229, Spring Hill School USD 230, and Johnson County Community College are granted intervention conditioned upon combining their activities in the Docket with Olathe Public Schools USD 233.

B. Any party may file and serve a petition for reconsideration pursuant to requirements and time limits established by K.S.A. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and the parties to enter further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 09/25/2018



Lynn M. Retz
Secretary to the Commission

BGF/sb

⁸ Direct Testimony of David W. Banks, Sept. 12, 2018, p. 2.

CERTIFICATE OF SERVICE

18-KCPE-480-RTS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 09/25/2018.

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