



largest, direct retail electric customers, it has a substantial, direct financial interest in all of the costs of service, rate design, tariffs, and policy issues in this Docket.<sup>4</sup>

3. On December 2, 2016, Kansas Industrial Consumers Group, Inc. (KIC) filed an Application for Intervention on behalf of commercial, business, industrial, and not-for-profit and educational entities that purchase large volumes of electric energy and natural gas for their operations and activities.<sup>5</sup> Specifically, KIC explained Occidental Chemical Corporation; CCPS Transportation, LLC; Spirit AeroSystems, Inc.; The Goodyear Tire & Rubber Company; Coffeyville Resources Refining & Marketing, LLC; Cargill Incorporated; and HollyFrontier would participate through the KIC.<sup>6</sup> The first six of those entities have already been granted intervention, and were consolidated into the Large Industrial Consumers Group.<sup>7</sup> Therefore, it appears that KIC is essentially seeking to place the Large Industrial Consumer Group under the KIC umbrella, with HollyFrontier added as an additional member of KIC.

4. On December 7, 2016, the Joint Applicants filed their Response to the Petition to Intervene of Kansas Industrial Consumers Group, Inc, questioning “whether KIC intends to represent only the seven (7) entities listed in its Petition, or if KIC intends to represent the interests of all commercial, business, industrial, and not-for-profit and educational entities that purchase large volumes of electric energy and natural gas in Kansas.”<sup>8</sup> If KIC simply seeks to represent the seven entities listed in its Petition, the Joint Applicants would support the Petition, agreeing that it would improve the orderly conduct of the hearing.<sup>9</sup> But the Joint Applicants

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<sup>4</sup> *Id.* at ¶ 2.

<sup>5</sup> Application for Intervention, Dec. 2, 2016, ¶ 2.

<sup>6</sup> *Id.*, ¶ 4.

<sup>7</sup> Order Granting Intervention to Spirit Aerosystems, Inc., The Goodyear Tire & Rubber Company, Coffeyville Resources Refining & Marketing, LLC, Cargill, Inc., and CCPS Transportation, LLC, July 14, 2016; Order Granting Intervention to Occidental Chemical Corporation, Aug. 16, 2016.

<sup>8</sup> Response of Joint Applicant’s[sic] to the Petition to Intervene of Kansas Industrial Consumers Group, Inc, Dec. 7, 2016, ¶ 3.

<sup>9</sup> *Id.*

object to any attempt by KIC to represent a general class of customers beyond those specifically identified in the Petition.<sup>10</sup> The Joint Applicants respectfully request KIC's participation to be limited to representing the interests of only the seven entities specifically identified in its Petition.<sup>11</sup>

5. 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.<sup>12</sup> Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.<sup>13</sup>

6. Since the Commission has already granted intervention to the Large Industrial Consumer Group, the Commission believes no prejudice would result in reclassifying them as intervenors through KIC.

7. As one of Westar's largest, direct retail electric customers, HollyFrontier has demonstrated legal rights, duties and privileges, immunities or other legal interests that may be substantially affected by the proceeding, and is thus entitled to intervene under K.S.A. 77-521. Among the conditions the Commission may impose is requiring intervenors to combine their presentations of evidence, argument, cross-examination, discovery, and other participation in the proceedings.<sup>14</sup> In KIC's Application for Intervention, KIC seeks to represent HollyFrontier, along with the other members of the Large Industrial Group.<sup>15</sup> As large, direct retail electric

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.*, ¶ 6.

<sup>12</sup> K.S.A. 77-521; K.A.R. 82-1-225.

<sup>13</sup> K.S.A. 77-521(c).

<sup>14</sup> K.S.A. 77-521(c)(3).

<sup>15</sup> Application for Intervention, ¶ 4.

customers of Westar that share the same counsel, it is in the interest of justice to grant KIC's request to have HollyFrontier participate through KIC.

8. KIC will be included in the mailing list, service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

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**THEREFORE, THE COMMISSION ORDERS:**

- A. The Large Industrial Consumer Group will be represented by KIC.
- B. HollyFrontier is granted intervention as part of KIC, pursuant to K.S.A. 77-521(c)(3).
- C. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.<sup>16</sup>
- D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

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

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: DEC 15 2016

  
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Amy L. Green  
Secretary to the Commission

BGF/sc

<sup>16</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**EMAILED**

DEC 15 2016

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16-KCPE-593-ACQ

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 DEC 15 2016.

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