

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

In the Matter of the General Investigation)
Regarding the U.S. Environmental Protection)
Agency’s Final Rule on Carbon Pollution)
Emission Guidelines for Existing Stationary)
Sources: Electric Utility Generating Units.) Docket No. 16-GIME-242-GIE

PETITION TO INTERVENE

COMES NOW the State of Kansas, *ex rel.* Susan Mosier, MD, Secretary, Kansas Department of Health and Environment (“KDHE”), for intervention in the above-captioned case pursuant to K.S.A. 77-521(a). In support of its petition, KDHE alleges and states as follows:

1. On December 3, 2015, the Kansas Corporation Commission (“Commission”) issued an Order Opening General Investigation (“Order”) into the U.S. Environmental Protection Agency’s (“EPA”) Final Rule on Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Generating Units (“Clean Power Plan”). The Order stated that the goal of the investigation is “to identify viable least-cost compliance options that maintain reliable electric service by conducting a comprehensive review of generation re-dispatch options.”

2. KDHE is an agency of the State of Kansas. Susan Mosier, MD, is the duly appointed Secretary of KDHE (“Secretary”). K.S.A 75-5601 *et seq.*

3. “It is a policy of the state to regulate the air quality of the state and implement laws and regulations that are applied equally and uniformly throughout the state and consistent with those of the federal government.” K.S.A. 65-3005(b). To this end, KDHE has been charged by the Legislature with ensuring that the State of Kansas is in compliance with the federal Clean Air Act. K.S.A. 65-3005(b)(1).

4. Additionally, the Legislature has specifically deemed KDHE responsible for submitting a state plan in accordance with the Clean Power Plan to EPA in a timely manner. K.S.A. 65-3031(i).

5. The state plan drafted by KDHE and submitted to EPA will be substantially affected by the Commission's investigation in this docket. KDHE may rely on the modeling, comments, and other information produced by this docket when writing the state plan and when testifying before and working with the Kansas Legislature's Clean Power Plan Implementation Study Committee.

6. Accordingly, KDHE has a substantial and vital interest in the outcome of this proceeding that cannot be adequately represented by any other party. Pursuant to K.S.A. 77-521, KDHE qualifies as an intervenor because (a) it has submitted this Petition to Intervene in a timely and adequate manner; (b) the rights, duties, privileges, immunities, or other legal interests of KDHE may be substantially affected by this proceeding; and (c) KDHE's requested intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings. K.S.A. 77-521(a)(3).

7. KDHE therefore requests that the Commission grant KDHE's Petition to Intervene and participate fully in this docket, including but not limited to the right to make written and oral comments, receive copies of comments and other pleadings, and fully participate in any scheduled hearings.

8. Pursuant to Footnote 6 of the Order, KDHE concurrently files a Notice of Filing of Non-Disclosure Agreements for all KDHE staff anticipated to receive confidential comments and other pleadings. KDHE shall supplement this as necessary for any additional staff that need to review confidential comments and other pleadings.

9. In addition to undersigned counsel, please include the following KDHE representatives with all electronic notices, pleadings, and correspondence regarding this investigation as follows:

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WHEREFORE, KDHE respectfully requests the Commission grant its Petition for Intervention in this Docket.

Respectfully submitted,



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VERIFICATION

STATE OF KANSAS)
)
COUNTY OF SHAWNEE)

I, Kate J. Gleeson, of lawful age and being first duly sworn upon my oath, state that I am an attorney for the Kansas Department of Health and Environment; that I have read and am familiar with the above and foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief.



Kate J. Gleeson

SUBSCRIBED AND SWORN to before me this 8th day of January, 2016.





CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January, 2016, this Motion to Intervene was filed electronically and served electronically on the following:

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