

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

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the Matter of the Joint Application of )  
Sunflower Electric Power Corporation and )  
Southern Pioneer Electric Company for ) Docket No. 21-SEPE-047-TAR  
Approval of an Updated 34.5 kV Loss Factor )  
in the Local Access Delivery Service Tariff )

**ORDER GRANTING KANSAS ELECTRIC POWER  
COOPERATIVE, INC.'S PETITION TO INTERVENE**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its pleadings and records and being duly advised in the premises, the Commission makes the following findings:

**I. Background**

1. On July 28, 2020, Sunflower Electric Power Cooperation (Sunflower) and Southern Pioneer Electric Company (Southern Pioneer) filed an application seeking approval of an updated 34.5 kV loss factor in Southern Pioneer's Local Access Delivery Charge (LADS) tariff.<sup>1</sup>

2. On August 4, 2020, Kansas Electric Power Cooperative, Inc. (KEPCo) filed its Petition to Intervene.<sup>2</sup> KEPCo stated that it is engaged in the business of generation and transmission as a cooperative electric supplier; KEPCo provides power and energy to 18 member distribution cooperatives in the state of Kansas. KEPCo's member's serve more than 125,000 retail meters in the eastern two-thirds of Kansas, which equates to approximately 300,000 Kansans.

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<sup>1</sup> Application of Sunflower and Southern Pioneer (Jul. 28, 2020) (Application).

<sup>2</sup> KEPCo's Petition to Intervene (Aug. 4, 2020) (Petition).

KEPCo takes service under Southern Pioneer's LADS tariff; any change to the loss factor associated with Southern Pioneer's LADS tariff will impact KEPCo.

## **II. Order Granting KEPCo's Petition to Intervene**

3. The representation of KEPCo's interests in this proceeding by existing parties is inadequate; no other party to this proceeding is authorized to specifically represent KEPCo's interests.<sup>3</sup> Because it takes service under Southern Pioneer's LADS tariff, KEPCo has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.<sup>4</sup> KEPCo's intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings to continue unimpaired.<sup>5</sup>

4. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention allows for the orderly and prompt conduct of the proceedings to continue unimpaired, and if the party seeking intervention has factually demonstrated that its legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding.<sup>6</sup>

5. The Commission finds that: (1) KEPCo's intervention will not delay the orderly and prompt conduct of the proceeding; (2) KEPCo demonstrated an interest in this proceeding; and (3) KEPCo factually demonstrated that it will be affected and bound by any Commission order or activity in this proceeding. Therefore, pursuant to K.S.A. 77-521, the Commission grants KEPCo's Petition to Intervene.

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> K.S.A. 77-521; K.A.R. 82-1-225.

6. KEPCO will be added to the official service list. Service of pleadings, communications, and correspondence should be delivered to counsel of record and CURB's other designees, as follows:

Mark F. Doljac  
Exec. Director, Reg. Affairs and Planning  
Kansas Electric Power Cooperative, Inc.  
600 Corporate View  
Topeka, KS 66615  
Telephone: (785) 271-4842  
E-mail: [mdoljac@kepco.org](mailto:mdoljac@kepco.org)

Rebecca Fowler  
Manager, Regulatory Affairs  
Kansas Electric Power Cooperative, Inc.  
600 SW Corporate View  
Topeka, KS 66615  
Telephone: (785) 271-4843  
E-mail: [rfowler@kepco.org](mailto:rfowler@kepco.org)

Susan B. Cunningham KS #14083  
Senior Vice President, Regulatory and  
Government Affairs, and General Counsel  
Kansas Electric Power Cooperative, Inc.  
600 SW Corporate View  
Topeka, KS 66615  
O: (785) 271-4815  
M: (785) 817-1864  
E-mail: [scunningham@kepco.org](mailto:scunningham@kepco.org)


**THEREFORE, THE COMMISSION ORDERS:**

- A. KEPCO's Petition to Intervene is granted.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>7</sup>

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

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 08/18/2020

  
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Lynn M. Retz  
Executive Director

<sup>7</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CRM

## CERTIFICATE OF SERVICE

21-SEPE-047-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 08/18/2020.

TERRY M. JARRETT, ATTORNEY AT LAW  
HEALY LAW OFFICES, LLC  
514 East High Street  
Suite 22  
Jefferson City, MO 65101  
terry@healylawoffices.com

PHOENIX ANSHUTZ, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
p.anshutz@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
c.masenthin@kcc.ks.gov

SUSAN B. CUNNINGHAM, SVP, REGULATORY AND  
GOVERNMENT AFFAIRS, GENERAL COUNSEL  
KANSAS ELECTRIC POWER CO-OP, INC.  
600 SW CORPORATE VIEW  
PO BOX 4877  
TOPEKA, KS 66604-0877  
Fax: 785-271-4888  
scunningham@kepco.org

MARK DOLJAC, DIR RATES AND REGULATION  
KANSAS ELECTRIC POWER CO-OP, INC.  
600 SW CORPORATE VIEW  
PO BOX 4877  
TOPEKA, KS 66604-0877  
Fax: 785-271-4888  
mdoljac@kepco.org

REBECCA FOWLER, ATTORNEY  
KANSAS ELECTRIC POWER CO-OP, INC.  
600 SW CORPORATE VIEW  
PO BOX 4877  
TOPEKA, KS 66604-0877  
Fax: 785-271-4888  
rfowler@kepco.org

JAMES BRUNGARDT, MANAGER, REGULATORY  
RELATIONS  
MID-KANSAS ELECTRIC COMPANY, LLC  
301W 13TH ST  
PO BOX 980  
HAYS, KS 67601  
Fax: 785-623-3395  
jbrungardt@sunflower.net

LINDSAY CAMPBELL, EXECUTIVE VP - GENERAL  
COUNSEL  
SOUTHERN PIONEER ELECTRIC COMPANY  
1850 W OKLAHOMA  
PO BOX 430  
ULYSSES, KS 67880-0368  
Fax: 620-356-4306  
lcampbell@pioneerelectric.coop

STEPHEN J. EPPERSON, PRESIDENT AND CHIEF  
EXECUTIVE OFFICER  
SOUTHERN PIONEER ELECTRIC COMPANY  
1850 W OKLAHOMA  
PO BOX 430  
ULYSSES, KS 67880-0368  
Fax: 620-356-4306  
sepperson@pioneerelectric.coop

LARISSA HOOPINGARNER, LEGAL EXECUTIVE  
ASSISTANT  
SOUTHERN PIONEER ELECTRIC COMPANY  
1850 W OKLAHOMA  
PO BOX 430  
ULYSSES, KS 67880-0368  
Fax: 620-356-4306  
lhoopingarn@pioneerelectric.coop

## CERTIFICATE OF SERVICE

21-SEPE-047-TAR

RANDY MAGNISON, EXEC VP & ASST CEO  
SOUTHERN PIONEER ELECTRIC COMPANY  
1850 W OKLAHOMA  
PO BOX 430  
ULYSSES, KS 67880-0368  
Fax: 620-356-4306  
rmagnison@pioneerelectric.coop

MONICA A SEIB, LEGAL ADMINISTRATIVE ASSISTANT  
SUNFLOWER ELECTRIC POWER CORPORATION  
301 W. 13TH  
PO BOX 1020  
HAYS, KS 67601-1020  
Fax: 785-623-3395  
mseib@sunflower.net

CHANTRY SCOTT, CFO, VP OF FINANCE AND  
ACCOUNTING  
SOUTHERN PIONEER ELECTRIC COMPANY  
1850 WEST OKLAHOMA  
PO BOX 403  
ULYSSES, KS 67880  
Fax: 620-356-4306  
cscott@pioneerelectric.coop

TAYLOR P. CALCARA, ATTORNEY  
WATKINS CALCARA CHTD.  
1321 MAIN ST STE 300  
PO DRAWER 1110  
GREAT BEND, KS 67530  
Fax: 620-792-2775  
tcalcara@wcrf.com

/S/ DeeAnn Shupe

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DeeAnn Shupe