

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

Before Commissioners:                      Dwight D. Keen, Chair  
   Shari Feist Albrecht  
   Susan K. Duffy

In the Matter of a General Investigation                      )  
Regarding the Possible Implementation of a                      )  
separate Schools-only Tariff in Kansas City                      )                      Docket No. 19-GIME-504-GIE  
Power & Light's service territory.                      )

**ORDER GRANTING SHAWNEE MISSION SCHOOL DISTRICT'S  
PETITION TO INTERVENE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the file and records, and being properly advised, the Commission finds:

1.        On May 1, 2018, Kansas City Power & Light Company (KCP&L) filed for a \$32.9 million revenue increase, including property tax rebasing in Docket No. 18-KCPE-480-RTS (18-480 Docket).<sup>1</sup> As a result of the Commission's approval of the merger of KCP&L's parent company, Great Plains Energy, Inc. with Westar Energy, Inc., on May 24, 2018 (the merger), KCP&L reduced its requested revenue increase to \$22.6 million.<sup>2</sup>

2.        Olathe Public Schools USD 233; Johnson County Community College; Spring Hill School District USD 230; and Blue Valley Schools – Unified School District No. 229 (the Schools) were granted intervention in the 18-480 Docket, claiming they are paying inordinately high rates for electric service, and seeking a separate schools tariff for educational institutions to take service as a separate customer class.<sup>3</sup>

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<sup>1</sup> Application, May 1, 2018, ¶ 3.

<sup>2</sup> Supplemental Direct Testimony of Darrin R. Ives, June 26, 2018, p 2.

<sup>3</sup> Direct Testimony of David W. Banks, Docket No. 18-KCPE-480-RTS, Sept. 12, 2018, p. 13.

3. On October 15, 2018, the Schools entered into a Joint Motion for Approval of Unanimous Settlement Agreement in the 18-480 Docket. Under one of the terms of the Unanimous Settlement Agreement, the Signatories agreed to ask the Commission to initiate a general investigation to evaluate whether KCP&L should implement a school tariff.<sup>4</sup>

4. On December 13, 2018, the Commission issued its Order Approving Unanimous Settlement Agreement in the 18-480 Docket. As part of its Order, the Commission agreed that a general investigation regarding a school tariff was appropriate and anticipated opening a general investigation by July 1, 2019.<sup>5</sup> The Commission directed KCP&L and the Schools to file comments delineating the scope of the general investigation into a possible school tariff by February 5, 2019, and Staff to file a Report and Recommendation based on those comments by March 18, 2019.<sup>6</sup>

5. On June 27, 2019, the Commission issued an Order Opening General Investigation, adopting a three phase investigation.<sup>7</sup> In Phase I, KCP&L, the Schools, and Staff are directed to collaborate and submit a joint recommendation to the Commission by July 29, 2019, suggesting an appropriate definition for the schools that will be subject to this general investigation.<sup>8</sup> In Phase II, KCP&L is directed to identify the relevant billing accounts, and review the relevant schools' usage, billings and rates for a 12-month test year ending June 30, 2018, and compare those rates and bills to the load profile of other customers from the same rate class.<sup>9</sup> KCP&L will submit a report on whether available data shows the schools are homogenous enough to form a school specific rate class by May 1, 2020.<sup>10</sup> If KCP&L's report finds a school specific tariff is justified, KCP&L

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<sup>4</sup> Unanimous Settlement Agreement, Docket No. 18-KCPE-480-RTS (18-480 Docket), Oct. 15, 2018, ¶ 34.

<sup>5</sup> Order Approving Unanimous Settlement Agreement, 18-480 Docket, Dec. 31, 2018, ¶ 25.

<sup>6</sup> *Id.*

<sup>7</sup> Order Opening General Investigation, June 27, 2019, ¶ 8.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*, ¶ 9.

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

is directed to propose a tariff design for its next general rate case.<sup>11</sup> If the Commission finds a separate school tariff is advisable, Phase III will focus on how to enact the tariff.<sup>12</sup>

6. On July 24, 2019, Shawnee Mission School District – United School District No. 512) filed a Petition to Intervene, noting that it is the third-largest school district in Kansas,<sup>13</sup> and one of KCP&L’s largest direct retail customers.<sup>14</sup> As a result, Shawnee Mission School District believes this proceeding may affect its electric rates.<sup>15</sup> Shawnee Mission School District wishes to combine efforts with the Blue Valley Schools, Johnson County Community College, Olathe Public Schools, and the Spring Hill School District,<sup>16</sup> all of which are already parties to this Docket.

7. 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>17</sup> Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor’s participation.<sup>18</sup>

8. 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>19</sup> Since the parties are all schools that receive their electric service from KCP&L and are represented by the same counsel, the Commission finds it appropriate to

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*, ¶ 11.

<sup>13</sup> Petition to Intervene of Shawnee Mission School District, July 24, 2019, ¶ 3.

<sup>14</sup> *Id.*, ¶ 2.

<sup>15</sup> *Id.*, ¶ 5.

<sup>16</sup> *Id.*, ¶ 7.

<sup>17</sup> K.S.A. 77-521; K.A.R. 82-1-225.

<sup>18</sup> K.S.A. 77-521(c).

<sup>19</sup> K.S.A. 77-521(c)(3).

condition Shawnee Mission School District's intervention on requiring it to participate through the Schools.

9. The Commission finds and concludes that Shawnee Mission School District has met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this Docket. Shawnee Mission School District will be added to 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. Shawnee Mission School District is granted intervention through the Schools, pursuant to K.S.A. 77-521(c)(3).

B. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.<sup>20</sup>

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

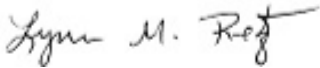
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<sup>20</sup> K.S.A. 66-118b; K.S.A. 529(a)(1).

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

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner.

Dated: 08/06/2019.

  
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Lynn M. Retz  
Executive Director

BGF

## CERTIFICATE OF SERVICE

19-GIME-504-GIE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 08/06/2019.

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