

**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 the Application of Prairie Land    )  
Electric Cooperative, Inc. Seeking Commission    )  
Approval to Update its Local Access Delivery        )       Docket No. 19-PLCE-436-TAR  
Service Tariff Pursuant to the 34.5kV Formula    )  
Based Rate Plan Approved in Docket No. 16-       )  
MKEE-023-TAR.    )

**ORDER GRANTING INTERVENTION TO KANSAS POWER POOL AND  
DESIGNATING A PREHEARING OFFICER**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

**KPP Intervention**

1.       On April 24, 2019, Prairie Land Electric Cooperative, Inc. (Prairie Land) filed an Application requesting approval to update its Local Access Delivery Service (LADS) tariff.<sup>1</sup>
2.       On May 2, 2019, the Kansas Power Pool (KPP) petitioned to intervene.<sup>2</sup>
3.       KPP stated it provides wholesale capacity, energy and transmission services to its members, who have all signed KPP's Amended Operating Agreement.<sup>3</sup> KPP further stated it currently serves 24 Kansas municipal electric utilities and is one of Prairie Land's wholesale local access customers, required to pay the LADS rates under Prairie Land's Formula Based Rate (FBR) Plan.<sup>4</sup>

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<sup>1</sup> Application for Prairie Land Electric Cooperative, Inc., p. 1 (Apr. 24, 2019).

<sup>2</sup> Petition of the Kansas Power Pool to Intervene, p. 1 (May 2, 2019).

<sup>3</sup> *Id.*, ¶ 2.

<sup>4</sup> *Id.*, ¶¶ 2, 4.

4. KPP stated its members will be bound by any Commission order or activity in this proceeding, and no other party can adequately represent its interests.<sup>5</sup>

5. The Commission shall grant intervention if the petition: (1) is submitted in writing to the presiding officer, with service on all parties named in the Commission's notice of hearing, at least three business days before the hearing; (2) states facts demonstrating the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.<sup>6</sup> The Commission has discretion to grant intervention at any time where intervention is in the interests of justice and will not impair the orderly and prompt conduct of proceedings.<sup>7</sup> At any time during a proceeding, the Commission may impose limitations on an intervenor's participation, which may include limiting an intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition, limiting intervenor discovery, cross-examination and other procedures, and requiring intervenors to consolidate their participation in the proceedings.<sup>8</sup>

#### **Prehearing Officer Designation**

6. Pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b).

7. Any electronic service received after 5:00 p.m. on a deadline set forth in a procedural schedule shall be considered as filed on the next day and shall be accompanied by a Motion to File Out-of-Time.

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<sup>5</sup> *Id.*, ¶¶ 5, 6.

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

<sup>7</sup> K.S.A. 77-521(b); K.A.R. 82-1-225(b).

<sup>8</sup> K.S.A. 77-521(c); K.A.R. 82-1-225(c).

## Findings and Conclusions

8. KPP submitted its Petition to Intervene in writing, properly served it in accordance with K.S.A. 77-521(a)(1), and stated facts demonstrating its legal rights and interests may be substantially affected by this proceeding under K.S.A. 77-521(a)(2). The Commission finds that because KPP is a wholesale customer of Prairie Land, its intervention will not impair the interests of justice, nor will its participation impede the orderly and prompt conduct of the proceedings, in accordance with K.S.A. 77-521(a)(3). Thus, the Commission finds that KPP has met the requirements for invention in K.S.A. 77-521 and K.A.R. 82-1-225, and therefore, should be granted intervention and full participation in all aspects of this docket.

9. KPP shall be added to the mailing list, with service of electronic notices, pleadings, testimony, orders, communications, and other documents directed to the following:

Larry Holloway  
Assistant General Manager/Operations  
Kansas Power Pool  
100 North Broadway, Suite L110  
Wichita, Kansas 67202  
Phone: (316) 425-0431  
Fax: (888) 431-4943  
[lholloway@kansspowerpool.org](mailto:lholloway@kansspowerpool.org)

Mark Chesney  
CEO/General Manager  
Kansas Power Pool  
100 North Broadway, Suite L110  
Wichita, Kansas 67202  
Phone: (316) 425-0431  
Fax: (888) 431-4943  
[mchesney@kansaspowerpool.org](mailto:mchesney@kansaspowerpool.org)

James Ging  
Director of Engineering Services  
Kansas Power Pool  
100 North Broadway, Suite L110  
Wichita, KS 67202  
Phone: (316) 425-0431  
Fax: (888) 431-4943  
[jging@kansaspowerpool.org](mailto:jging@kansaspowerpool.org)

Amy Fellows Cline  
Attorney  
Triplett Woolf Garretson, LLC  
2959 North Rock Road, Suite 300  
Wichita, Kansas 67226  
Phone: (316) 630-8100  
Fax: (316) 630-8101  
[amycline@twgfirm.com](mailto:amycline@twgfirm.com)

10. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas,

66604-4027, telephone number (785) 271-3181, email address [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

**THEREFORE, THE COMMISSION ORDERS:**

- A. KPP is granted intervention.
- B. Michael J. Duenes is designated as the Prehearing Officer.
- C. 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>9</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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 05/30/2019



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Lynn M. Retz  
Secretary to the Commission

MJD/rar

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<sup>9</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

19-WSTE-443-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 05/30/2019.

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

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
m.duenes@kcc.ks.gov

SUSAN B. CUNNINGHAM, SVP, REGULATORY AND  
GOVERNMENT AFFAIRS, GENERAL COUNSEL  
KANSAS ELECTRIC POWER CO-OP, INC.  
600 SW CORPORATE VIEW (66615)  
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 (66615)  
PO BOX 4877  
TOPEKA, KS 66604-0877  
Fax: 785-271-4888  
mdoljac@kepco.org

MARK CHESNEY, CEO & GENERAL MANAGER  
KANSAS POWER POOL  
100 N BROADWAY STE L110  
WICHITA, KS 67202  
Fax: 888-431-4943  
mchesney@kansaspowerpool.org

JAMES GING, DIRECTOR ENGINEERING SERVICES  
KANSAS POWER POOL  
100 N BROADWAY STE L110  
WICHITA, KS 67202  
Fax: 888-431-4943  
jging@kansaspowerpool.org

LARRY HOLLOWAY, ASST GEN MGR OPERATIONS  
KANSAS POWER POOL  
100 N BROADWAY STE L110  
WICHITA, KS 67202  
Fax: 888-431-4943  
lholloway@kansaspowerpool.org

AMY FELLOWS CLINE, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N ROCK RD STE 300  
WICHITA, KS 67226  
Fax: 316-630-8101  
amycline@twgfirm.com

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

STACEY MALSAM, ASSISTANT GENERAL MANAGER  
WESTERN COOPERATIVE ELECTRIC ASSN., INC.  
635 S 13TH ST  
PO BOX 278  
WAKEENEY, KS 67672-0278  
Fax: 785-743-2717  
staceym@westerncoop.com

**CERTIFICATE OF SERVICE**

19-WSTE-443-TAR

THOMAS RUTH, GENERAL MANAGER  
WESTERN COOPERATIVE ELECTRIC ASSN., INC.  
635 S 13TH ST  
PO BOX 278  
WAKEENEY, KS 67672-0278  
Fax: 785-743-2717  
tomr@westerncoop.com

/S/ DeeAnn Shupe  
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DeeAnn Shupe