

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of Southern Pioneer Electric)
Company for Approval of the Continuation of) Docket No. 19-SPEE-240-MIS
its Debt Service Coverage and 34.5 kV)
Formula Based Ratemaking Plans.)

ORDER GRANTING KANSAS POWER POOL’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:

1. On December 20, 2018, Southern Pioneer Electric Company (“Southern Pioneer”) filed a Notice of Intent to seek continuation of its formula based ratemaking (“FBR”) plans, the application and supporting testimonies of which are expected to be filed in this docket by the end of the first quarter of 2019.¹

2. On January 18, 2019, Kansas Power Pool (“KPP”), a Municipal Energy Agency, filed its Petition to Intervene, citing its position as a wholesale customer of Southern Pioneer as reason to grant intervention.² Southern Pioneer owns and operates 34.5 kV sub-transmission facilities that provide service to Southern Pioneer’s retail and wholesale local access customers.³ The wholesale local access customers’ combined load ration share is approximately 40% of the

¹ Notice of Intent of Southern Pioneer (Dec. 20, 2018) (“Notice”).

² Kansas Power Pool’s Petition to Intervene (Jan. 18, 2019) (“Petition”).

³ *Id.* at 1.

total 34.5 kV system revenue requirement.⁴ The combined load ration share is recovered through the Local Access Delivery Service (“LADS”) tariff.⁵

3. Southern Pioneer utilizes a 34.5 kV FBR plan for its 34.5 kV LADS rates. KPP is one of Southern Pioneer’s wholesale local access customers and is required to pay the LADS rates under Southern Pioneer’s FBR plan.⁶

4. KPP and ultimately its members may be bound by a Commission Order or activity in this proceeding; and, KPP may be adversely impacted by such a ruling.⁷

5. KPP’s interests are not adequately represented by any other party, and its intervention will not impair the orderly and prompt conduct of the proceedings.⁸

6. 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.⁹

7. The Commission finds that KPP has demonstrated an interest in this proceeding and meets the above requirements to intervene. Therefore, pursuant to K.S.A. 77-521, the Commission grants KPP’s Petition for Intervention.

8. KPP will be added to the official service list. Service of pleadings, communications, and correspondence should be delivered to counsel of record and KPP’s other designees, as follows:

⁴ Petition at 1.

⁵ *Id.* at 2.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ K.S.A. 77-521; K.A.R. 82-1-225.

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THEREFORE, THE COMMISSION ORDERS:

- A. Kansas Power Pool's Application is granted pursuant to K.S.A. 77-521.
- 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).¹⁰
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order or orders, as it may deem necessary.

¹⁰ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 03/19/2019



Lynn M. Retz
Secretary to the Commission

CRM

CERTIFICATE OF SERVICE

19-SPEE-240-MIS

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 03/19/2019.

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