THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

)

)

)

)

)

Before Commissioners:

Shari Feist Albrecht, Chair Jay Scott Emler Pat Apple

In the Matter of the Application of The Empire District Electric Company a Liberty Utilities Company for the Ad Valorem Tax Surcharge Rider Tariff Adjustment Annual True-Up for 2018.

Docket No. 18-EPDE-327-TAR

ORDER GRANTING CURB'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 pleadings and record, the Commission makes the following findings and conclusions:

1. On February 1, 2018, The Empire District Electric Company filed an Application with the Commission for approval of its Ad Valorem Tax Surcharge Rider Tariff Adjustment Annual True-Up for 2018.¹

2. On February 5, 2018, the Citizens' Utility Ratepayer Board (CURB) filed its Petition to Intervene, citing its statutory authority to represent residential and small commercial ratepayers. CURB explains the rates paid by and the services received by residential and small commercial customers may be substantially affected by this proceeding.²

3. 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

¹ Application of The Empire District Electric Company (Feb. 1, 2018).

² CURB's Petition to Intervene, ¶ 5 (Feb. 5, 2018).

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.³

4. The Commission finds CURB has demonstrated an interest in this proceeding.

Therefore, pursuant to K.S.A. 77-521, the Commission grants CURB's Petition for Intervention.

5. CURB 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:

David W. Nickel, Consumer Counsel, #11170 Thomas J. Connors, Attorney, #27039 Todd E. Love, Attorney, #13445 Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, KS 66604 <u>d.nickel@curb.kansas.gov</u> <u>tj.connors@curb.kansas.gov</u> <u>t.love@curb.kansas.gov</u>

Della Smith Administrative Specialist Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, KS 66604 <u>d.smith@curb.kansas.gov</u> Shonda Raab Office Manager Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, KS 66604 <u>sd.smith@curb.kansas.gov</u>

THEREFORE, THE COMMISSION ORDERS:

- A. CURB's Petition to Intervene is granted pursuant to K.S.A. 77-521.
- B. The parties have 15 days, plus three days if service of this Order is by mail, to

petition the Commission for reconsideration.⁴

³ K.S.A. 77-521; K.A.R. 82-1-225.

⁴ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

C. 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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: FEB 1 5 2018

Lynn M. Retz

Lýnn M. Retz D Secretary to the Commission

REV/vj

EMAILED

FEB 1 5 2018

CERTIFICATE OF SERVICE

18-EPDE-327-TAR

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 FEB 1 5 2018

THOMAS J. CONNORS, ATTORNEY AT LAW CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3116 tj.connors@curb.kansas.gov

DAVID W. NICKEL, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3116 d.nickel@curb.kansas.gov

DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3116 d.smith@curb.kansas.gov

ROBERT VINCENT, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax: 785-271-3354 r.vincent@kcc.ks.gov TODD E. LOVE, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3116 t.love@curb.kansas.gov

SHONDA RABB CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3116 s.rabb@curb.kansas.gov

JILL SCHWARTZ, SR. MANAGER, RATES AND REGULATOARY AFFAIRS (CENTRAL REGION) EMPIRE DISTRICT ELECTRIC COMPANY 602 S JOPLIN AVE JOPLIN, MO 64801 Fax: 417-625-5169 jill.schwartz@libertyutilities.com

/S/ DeeAnn Shupe DeeAnn Shupe

EMAILED

FEB 1 5 2018