

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

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

In the Matter of the Application of Western)
Cooperative Electric Association, Inc. Seeking)
Commission Approval to Update its Local) Docket No. 20-WSTE-440-TAR
Access Delivery Service Tariff Pursuant to the)
34.5kV Formula Based Rate Plan Approved in)
Docket No. 16-MKEE-023-TAR.)

SUSPENSION ORDER: December 28, 2020

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

1. On April 30, 2020, Western Cooperative Electric Association, Inc. (Western) filed an Application with the Commission, requesting approval to update its Local Access Delivery Service (LADS) tariff.¹

2. K.S.A. 66-117(c) states in part:

“The commission shall not delay the effective date of the proposed change in rate, joint rate, toll, charge or classification or schedule of charges, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, more than 240 days beyond the date the public utility or common carrier filed its application requesting the proposed change. If the commission does not suspend the proposed schedule within 30 days of the date the same is filed by the public utility or common carrier, such proposed schedule shall be deemed approved by the commission and shall take effect on the proposed effective date.”

3. A full investigation of the proposed changes to Western’s LADS tariff, which may result in further proceedings, is deemed necessary and proper. Absent suspension of the proposed

¹ Application of Western (Apr. 30, 2020) (Application).

changes to its LADS tariff found in Western's Application, Commission Staff is without sufficient time to fully review, consider, and analyze whether the requested changes should be approved.

4. The Commission finds and concludes that suspension of any potential effectiveness of the changes to service, as outlined in the Application submitted by Western, is required to allow sufficient time for full investigation of this matter. The effective date of the rates and/or terms proposed shall be suspended for a period not to exceed 240 days from the date the application was made, April 30, 2020, until December 28, 2020.² A Commission decision may be issued before such date.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Any decision regarding Western's Application shall be deferred until December 28, 2020. The Commission may issue a decision before such date.

B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. 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 issuing such further order, or orders, as it may deem necessary.

² ² K.A.R. 82-1-217 states that the last day of a time period shall be included in time computation, so long as the last day is not a Saturday, Sunday, or legal holiday. In situations where the last day included in time computation falls on a Saturday, Sunday, or legal holiday, the event period shall run until the next day that is not a Saturday, Sunday, or legal holiday. Because 240 days from the date of the Application, April 30, 2020, falls on Saturday, December 26, 2020, the regulations dictate this docket be suspended until the following Monday, December 28, 2020.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 05/13/2020



Lynn M. Retz
Executive Director

CRM

CERTIFICATE OF SERVICE

20-WSTE-440-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 05/12/2020.

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/S/ DeeAnn Shupe
DeeAnn Shupe
