

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

Before Commissioners: Jay Scott Emler, Chairman
 Shari Feist Albrecht
 Pat Apple

In the Matter of the General Investigation)
to Examine Issues Surrounding Rate Design) Docket No. 16-GIME-403-GIE
for Distributed Generation Customers.)

**ORDER GRANTING PETITION TO INTERVENE OF
SUNFLOWER ELECTRIC POWER CORPORATION AND
MID-KANSAS ELECTRIC COMPANY, LLC**

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:

I. Background

1. On March 11, 2016, Commission Staff (Staff) filed a Motion to Open Docket. Staff requested the Commission open a general investigation to examine various issues surrounding rate design for distributed generation ((DG) customers. In support of its motion, Staff attached an R&R dated March 10, 2016.¹

2. On March 24, 2016, Westar Energy, Inc. and Kansas Gas and Electric Company (collectively Westar), filed a Motion to Intervene and Response to Staff’s Motion to Open Docket.²

3. On March 28, 2016, the Empire District Electric Company (Empire) filed its Petition to Intervene in the docket.³

¹ Staff Motion to Open Docket, Mar. 11, 2016, with attached Report and Recommendation, Mar. 10, 2016.

² Motion to Intervene and Response of Westar Energy, Inc. and Kansas Gas and Electric Company to Staff’s Motion to Open Docket, Mar. 24, 2016.

³ Petition to Intervene of The Empire District Electric Company, Mar. 28, 2016.

4. Petitions to Intervene in this docket have been filed by Cromwell Environmental, Inc. (April 7, 2016); the Citizens' Utility Ratepayer Board (April 7, 2016); the Alliance for Solar Choice (April 11, 2016); and Brightergy, LLC (April 22, 2016). These Petitions to Intervene will be addressed by the Commission in separate orders.

5. On July 12, 2016, the Commission filed the Order Opening General Investigation in this docket to examine various issues surrounding rate structure for distributed generation customers. The Commission further ordered all Kansas electric public utilities subject to the Commission's jurisdiction over retail rates were made a party to this proceeding without the need for a motion seeking intervention.⁴

6. On April 11, 2016, Sunflower Electric Power Corporation (Sunflower) and Mid-Kansas Electric Company, LLC (Mid-Kansas) filed a Petition to Intervene. Sunflower and Mid-Kansas stated that as affiliated non-profit cooperative generation and transmission utilities, any action taken by the Commission could substantially affect the utilities and therefore wish to participate in this docket.

7. There have been no objections to Sunflower's and Mid-Kansas' Petition to Intervene.

II. Legal Standard

8. The Commission must grant intervention if a petition is submitted in writing to all named parties at least three days before the hearing;⁵ the petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding;⁶ and the presiding officer determines that the interest of

⁴ Order Opening General Investigation, Jul. 12, 2016.

⁵ K.S.A. 521(a)(1).

⁶ K.S.A. 77-521(a)(2).

justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.⁷ Furthermore, the Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, and if the intervention will not impair the orderly and prompt conduct of the proceedings.⁸ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.⁹

III. Findings and Conclusions

9. The Commission finds that Sunflower and Mid-Kansas have adequately stated a legal interest that may be substantially affected by this proceeding. The Commission finds that Sunflower's and Mid-Kansas' participation will not impair the orderly and prompt conduct of the proceeding. Therefore, the Commission at this time will grant intervention to Sunflower and Mid-Kansas in the interest of justice as the Commission desires to create a complete and thorough evidentiary record from which to make a decision.

10. The Commission concludes that Sunflower and Mid-Kansas have met the requirements of K.S.A. 77-521 and should be granted intervention in this docket as provided herein. Sunflower and Mid-Kansas will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered as follows:

Mark D. Calcara
Taylor P. Calcara
Watkins, Calcara
Suite 300, 1321 Main Street
P.O. Drawer 1110
Great Bend, KS 67530
(620) 792-8231 (Phone)
(620) 792-2775 (Fax)
mcalcara@sunflower.net
tcalcara@wcrf.com

Corey Linville
Vice Pres., Power Suppl & Delivery
Sunflower Electric Power Corp.
PO Box 1020
Hays, KS 67601
clinville@sunflower.net

⁷ K.S.A. 77-521(a)(3).

⁸ K.S.A. 77-521(b).

⁹ K.S.A. 77-521(c).

Al Tamimi
Vice-Pres., Transmission Planning Policy
Sunflower Electric Power Corp.
PO Box 1020
Hays, KS 67601
atamimi@sunflower.net

James Brungardt
Regulatory and Rate Analyst
Sunflower Electric Power Corp.
PO Box 1020
Hays, KS 67601
jbrungardt@sunflower.net

Renee Braun
Corporate Paralegal and
Contracts Supervisor
Sunflower Electric Power Corp.
PO Box 1020
Hays, KS 67601
rbraun@sunflower.net

THEREFORE, THE COMMISSION ORDERS:

A. Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC are granted intervention in this docket.

B. The parties have 15 days from the date this Order was served electronically to petition for reconsideration.¹⁰

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

¹⁰ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

BY THE COMMISSION IT IS SO ORDERED.

JUL 14 2016

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner.



Amy L. Green
Secretary to the Commission

SF/sc

EMAILED

JUL 14 2016

CERTIFICATE OF SERVICE

16-GIME-403-GIE

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 JUL 14 2016.

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
jflaherty@andersonbyrd.com

MARTIN J. BREGMAN
BREGMAN LAW OFFICE, L.L.C.
311 PARKER CIRCLE
LAWRENCE, KS 66049
mjb@mjbregmanlaw.com

ANDREW J ZELLERS, GEN COUNSEL/VP REGULATORY
AFFAIRS
BRIGHTERGY, LLC
1712 MAIN ST 6TH FLR
KANSAS CITY, MO 64108
Fax: 816-511-0822
andy.zellers@brightergy.com

DOROTHY BARNETT
CLIMATE & ENERGY PROJECT
PO BOX 1858
HUTCHINSON, KS 67504-1858
barnett@climateandenergy.org

ARON CROMWELL
CROMWELL ENVIRONMENTAL, INC.
615 VERMONT ST
LAWRENCE, KS 66044
acromwell@cromwellenv.com

BRYAN OWENS, ASSISTANT DIRECTOR OF PLANNING &
REGULATORY
EMPIRE DISTRICT INDUSTRIES, INC.
602 JOPLIN
PO BOX 127
JOPLIN, MO 64802-0127
Fax: 417-625-5169
bowens@empiredistrict.com

C. EDWARD PETERSON, ATTORNEY
FINNEGAN CONRAD & PETERSON LC
1209 PENNTOWER OFFICE CENTER
3100 BROADWAY
KANSAS CITY, MO 64111
Fax: 816-756-0373
ed.peterson2010@gmail.com

ROBERT J. HACK, LEAD REGULATORY COUNSEL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 19th FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2787
rob.hack@kcpl.com

DARRIN R. IVES, VICE PRESIDENT, REGULATORY
AFFAIRS
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 19th FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2110
darrin.ives@kcpl.com

ROGER W. STEINER, CORPORATE COUNSEL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 19th FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2787
roger.steiner@kcpl.com

CERTIFICATE OF SERVICE

16-GIME-403-GIE

MARY TURNER, COMPLAINTS
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 19th FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2110
mary.turner@kcpl.com

SAMUEL FEATHER, OFFICE OF GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
s.feather@kcc.ks.gov

KELLY J. KAUFFMAN
KAUFFMAN & EYE
4840 Bob Billings Pkwy, Ste. 1000
Lawrence, KS 66049-3862
kelly@kauffmaneye.com

ANNE E. CALLENBACH, ATTORNEY
POL SINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
Fax: 913-451-6205
acallenbach@polsinelli.com

JAMES BRUNGARDT, REGULATORY AFFAIRS
ADMINISTRATOR
SUNFLOWER ELECTRIC POWER CORPORATION
301W. 13TH
PO BOX 1020 (67601-1020)
HAYS, KS 67601
Fax: 785-623-3395
jbrungardt@sunflower.net

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

MICHAEL DUENES, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
m.duenes@kcc.ks.gov

AMBER SMITH, CHIEF LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
a.smith@kcc.ks.gov

JACOB J SCHLESINGER, ATTORNEY
KEYES FOX & WIEDMAN LLP
1580 LINCOLN STREET
SUITE 880
DENVER, CO 80203
jschlesinger@kfwlaw.com

FRANK A. CARO, JR., ATTORNEY
POL SINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
Fax: 816-753-1536
fcaro@polsinelli.com

MARK D. CALCARA, GENERAL COUNSEL
SUNFLOWER ELECTRIC POWER CORPORATION
301W. 13TH
PO BOX 1020 (67601-1020)
HAYS, KS 67601
Fax: 785-623-3395
mcalcara@sunflower.net

CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com

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/S/ DeeAnn Shupe
DeeAnn Shupe

EMAILED

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