

previously noticed by Westar to the Commission and which would have been recovered through the Environmental Cost Recovery Rider (ECRR).²

2. On October 27, 2016, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene and Motion for Protective Order and Discovery Order.³

3. On November 3, 2016, a Suspension Order was filed deferring the effective date of the rates and/or terms proposed until June 23, 2017.⁴

4. On November 10, 2016, Unified School District #259 Sedgwick County, Kansas (USD #259) filed a Petition to Intervene.⁵

5. In support of its Petition to Intervene, CURB stated it has specific statutory authority to "represent residential and small commercial ratepayers before the state corporation commission"⁶ and functions as the official intervenor in cases filed with the Commission. CURB further stated it has a vital interest in the outcome of this proceeding as the rates paid and the services received by residential and small commercial ratepayers may be substantially affected by any Commission order or activity in this proceeding.⁷

6. CURB stated there are no other parties to this proceeding which will adequately represent the interests of CURB.

7. There have been no objections to CURB's Petition to Intervene.

² *Id.*, ¶ 2.

³ 17-WSEE-147-RTS, CURB'S Petition to Intervene and Motion for Protective Order and Discovery Order, Oct. 27, 2016.

⁴ 17-WSEE-147-RTS, Suspension Order, Nov. 3, 2016.

⁵ 17-WSEE-147-RTS, Unified School District #249 Sedgwick County, KS Petition to Intervene, Nov. 10, 2016.

⁶ K.S.A. 66-1223(a).

⁷ 17-WSEE-147-RTS, CURB's Petition to Intervene and Motion for Protective Order and Discovery Order, Oct. 27, 2016, ¶ 5.

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;⁸ 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;⁹ and the presiding officer determines that the interest of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.¹⁰ Additionally, 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.¹¹ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.¹²

III. Findings and Conclusions

9. The Commission finds that CURB has adequately demonstrated that their intervention is in the interest of justice. The Commission finds that CURB's participation will not impair the orderly and prompt conduct of the proceeding. Therefore, the Commission at this time will grant intervention to CURB 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 CURB has met the requirements of K.S.A. 77-521 and should be granted intervention in this docket as provided herein. CURB will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered as follows:

⁸ K.S.A. 77-521(a)(1).

⁹ K.S.A. 77-521(a)(2).

¹⁰ K.S.A. 77-521(a)(3).

¹¹ K.S.A. 77-521(b).

¹² K.S.A. 77-521(c).

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THEREFORE, THE COMMISSION ORDERS:

- A. CURB's Petition to Intervene is granted.
- B. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.¹³
- 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.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 22 2016



Amy L. Green
Secretary to the Commission

SF/sc

EMAILED

NOV 22 2016

¹³ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

17-WSEE-147-RTS

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 **NOV 22 2016** _____.

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