

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

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the Matter of the Joint Application of)
Sunflower and Southern Pioneer for the)
Approval of an Updated 34.5 kV Loss Factor) Docket No. 21-SEPE-047-TAR
in the Local Access Delivery Service Tariff.)

**ORDER GRANTING INTERVENTION TO KANSAS MUNICIPAL ENERGY AGENCY
AND ADMISSION OF HEATHER H. STARNES *PRO HAC VICE***

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its pleadings and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On July 28, 2020, Sunflower Electric Power Corporation (“Sunflower”) and Southern Pioneer Electric Company (“Southern Pioneer”) (referred to jointly as “Joint Applicants”) filed with the Commission a joint application for approval to update Southern Pioneer’s Local Access Delivery Service (“LADS”) tariff. Joint Applicants proposed to increase the energy loss factor in Southern Pioneer’s LADS tariff assessed on the wholesale users of its 34.5kV system from 1.86%, which was approved by the Commission in Docket No. 09-MKEE969-RTS, to 2.70%, based upon a study performed by Power System Engineering at the request of Sunflower, in accordance with the 34.5kV Formula Based Rate (“34.5kV FBR”) plan approved in Docket 16-MKEE-023-TAR.

2. Any updates to the FBR, including any updates to its LADS tariff, would be conducted in accordance with the approval order in Docket 16-MKEE-023-TAR until replaced by an order in Docket 19-SPEE-240-MIS. Any change to the loss factor would require a filing with the Commission.

I. Intervention

3. On August 10, 2020, the Kansas Municipal Energy Agency (KMEA) filed its Petition to Intervene.¹

4. KMEA states it has member cities who take service under Southern Pioneer's LADS tariff.² KMEA further states its members and the members' customers are bound by any Commission order or activity in this proceeding, and no other party can adequately represent its interests.³

5. The Commission shall grant intervention if the petition: (1) is submitted in writing to the presiding officer, with service on all parties named in the Commission's notice of hearing, at least three business days before the hearing; (2) states facts demonstrating the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.⁴ The Commission has discretion to grant intervention at any time where intervention is in the interests of justice and will not impair the orderly and prompt conduct of proceedings.⁵ At any time during a proceeding, the Commission may impose limitations on the intervenor's participation, which may include: (1) limiting an intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition; (2) limiting the intervenor's discovery, cross-examination, and other procedures; and (3) requiring intervenors to consolidate their participation in the proceedings.⁶

¹ See KMEA, Petition to Intervene, (Aug. 10, 2020).

² *Id.* at ¶ 3.

³ *Id.* at ¶¶ 4-5.

⁴ K.S.A. 77-521(a); K.A.R. 82-1-225(a).

⁵ K.S.A. 77-521(b); K.A.R. 82-1-225(b).

⁶ K.S.A. 77-521(c); K.A.R. 82-1-225(c).

6. KMEA submitted its Petition to Intervene in writing, properly served it in accordance with K.S.A. 77-521(a)(1), and stated facts demonstrating its legal rights and interests may be substantially affected by this proceeding under K.S.A. 77-521(a)(2). The Commission finds that because KMEA has member cities who are served by Southern Pioneer, its intervention will not impair the interests of justice, and KMEA's participation will not impede the orderly and prompt conduct of the proceedings in accordance with K.S.A. 77-521(a)(3). Thus, the Commission finds KMEA has met the requirements for intervention in K.S.A. 77-521 and K.A.R. 82-1-225, and therefore, is granted intervention and full participation in all aspects of this docket.

II. *Pro Hac Vice* Motion

7. On August 10, 2020, Terry M. Jarrett, an attorney in good standing and licensed to practice law in the State of Kansas, filed a Motion for Admission of Heather H. Starnes *Pro Hac Vice* as attorney on behalf of KMEA, under Kansas Supreme Court Rule 116.⁷ Mr. Jarrett states he will sign all pleadings and other papers filed with the Commission and will be actively engaged in the case and present for all appearances, to the extent required by the Commission.⁸ The motion includes Ms. Starnes' verified application for admission *pro hac vice* required by Rule 116.

8. The Applicant, Heather H. Starnes, verifies she is in good standing and licensed to practice law in Missouri and in Arkansas. The Applicant is not currently, nor has she ever been, the subject of public discipline, including but not limited to suspension or disbarment, in any jurisdiction. The verified application lists Ms. Starnes' address as 12 Perdido Circle, Little Rock, AR 72211.⁹

⁷ Motion for Admission of Heather H. Starnes *Pro Hac Vice*, p. 1 (Aug. 10, 2020).

⁸ *Id.*

⁹ Affidavit in Support of Motion for Admission of Heather Starnes *Pro Hac Vice*, pp. 1-2 (May 19, 2020).

9. The Commission finds Ms. Starnes has met the requirements of Rule 116 and grants Ms. Starnes admission *pro hac vice* to appear on behalf of KMEA. KMEA and Ms. Starnes shall be added to the mailing list, with service of electronic notices, pleadings, testimony, orders, communications, and other documents directed to the following:

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THEREFORE, THE COMMISSION ORDERS:


- A. KMEA is granted intervention.
- B. Heather H. Starnes is granted admission *pro hac vice* on behalf of KMEA.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 08/18/2020

PZA



Lynn M. Retz
Executive Director

CERTIFICATE OF SERVICE

21-SEPE-047-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 08/18/2020.

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