

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

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

In the Matter of the Joint Application of Mid-)
Kansas Electric Company, LLC, Sunflower)
Electric Power Corporation, Prairie Land)
Electric Cooperative, Inc., Pioneer Electric)
Cooperative, Inc., The Victory Electric)
Cooperative Association, Inc., Western) Docket No. 18-MKEE-160-TAR
Cooperative Electric Association, Inc.,)
Wheatland Electric Cooperative, Inc. and)
Southern Pioneer Electric Company for)
Approval of a Local Access Tariff and Mid-)
Kansas and Sunflower Open Access)
Transmission Tariff.)

**ORDER GRANTING KANSAS POWER POOL, KANSAS MUNICIPAL ENERGY
AGENCY, KANSAS ELECTRIC POWER COOPERATIVE, AND GARDEN CITY'S
PETITIONS TO INTERVENE**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed its files and records, and being fully advised in the premises, the Commission makes the following findings and conclusions:

1. On October 11, 2017, Mid-Kansas Electric Company, LLC (Mid-Kansas), Sunflower Electric Power Corporation (Sunflower), Prairie Land Electric Cooperative, Inc. (Prairie Land), Pioneer Electric Cooperative, Inc. (Pioneer), The Victory Electric Cooperative Association, Inc. (Victory), Western Cooperative Electric Association, Inc. (Western), Wheatland Electric Cooperative, Inc. (Wheatland), and Southern Pioneer Electric Company (Southern Pioneer) (collectively Joint Applicants) filed a Joint Application pursuant to K.S.A.

66-117, seeking Commission approval of a Local Access Tariff (LAT) and Mid-Kansas and Sunflower Open Access Transmission Tariffs (OATT).¹

2. On October 19, 2017, the Kansas Power Pool (KPP) filed a Petition to Intervene;² Kansas Electric Power Cooperative (KEPCo) filed a Petition to Intervene, Preliminary Comments, and Request for Hearing on October 23, 2017;³ and Kansas Municipal Energy Agency (KMEA) filed a Petition to Intervene on October 26, 2017.⁴

3. On November 2, 2017, the Commission issued an Order Designating Prehearing Officer; Protective and Discovery Orders.

4. On November 13, 2017, the City of Garden City, Kansas (Garden City) filed a Petition to Intervene.⁵ Garden City stated “it relies on transmission across Wheatland’s 34.5 kV facilities for delivery of the wholesale power and energy requirements it requires to serve its load reliably and economically.”⁶ Garden City further stated it purchases its wholesale power and energy requirements from KMEA and under the terms of Garden City’s arrangement with KMEA, is liable for all transmission costs incurred by KMEA in connection with its service. Therefore, Garden City has a direct interest in the outcome of this proceeding and that its interests are no represented by any other party.⁷

5. There have been no objections to the any of the aforementioned Petitions to Intervene.

¹ Joint Application for Approval of Local Access Tariff and Mid-Kansas and Sunflower Open Access Transmission Tariffs, Oct. 11, 2017.

² Petition of the Kansas Power Pool to Intervene, Oct. 19, 2017.

³ Petition to Intervene, Preliminary Comments, and Request for Hearing of Kansas Electric Power Cooperative, Inc., Oct. 23, 2017.

⁴ Petition to Intervene of Kansas Municipal Energy Agency, Oct. 26, 2017.

⁵ Petition of the City of Garden City, Kansas to Intervene, Nov. 13, 2017.

⁶ *Id.*, ¶ 4.

⁷ *Id.*, ¶ 5.

II. Legal Standard

6. 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

7. The Commission finds that KPP, KMEA, KEPCO, and Garden City have adequately demonstrated their intervention is in the interest of justice. The Commission finds that KPP, KMEA, KEPCO, and Garden City's participation will not impair the orderly and prompt conduct of the proceeding. Therefore, the Commission at this time will grant intervention to KPP, KMEA, KEPCO, Garden City in the interest of justice as the Commission desires to create a complete and thorough evidentiary record from which to make a decision.

8. The Commission concludes that KPP, KMEA, KEPCO, and Garden City have met the requirements of K.S.A. 77-521 and should be granted intervention in this docket as provided herein. KPP, KMEA, KEPCO, and Garden City will be added to the mailing list, and

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. The Petitions to Intervene of KPP, KMEA, KEPCo and the City of Garden City, Kansas are granted.

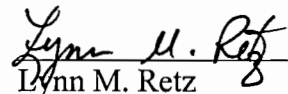
B. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.¹³

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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 07 2017


Lynn M. Retz
Secretary to the Commission

SF/sc

EMAILED

DEC 07 2017

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

CERTIFICATE OF SERVICE

18-MKEE-160-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 DEC 07 2017.

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