

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

In the Matter of the Application of Southern )  
Pioneer Electric Company for Approval of a )  
Regulatory Asset, Allocation and ) **Docket No. 21-SPEE-331-GIE**  
Implementation Plan for Recovery of )  
Extraordinary Costs Incurred as a Result of )  
Extreme Weather and Market Conditions )  
Experienced During the Month of February )  
2021. )  
)  
)  
)  
)

**NATIONAL BEEF PACKAGING COMPANY, LLC’S PETITION TO INTERVENE**

Pursuant to K.A.R. 82-1-225, National Beef Packaging Company, LLC (“National Beef”) hereby files this Petition to Intervene in the above-captioned matter. In support of its Petition, National Beef alleges and states the following:

1. National Beef is located at 12200 N Ambassador Drive, Suite 500, Kansas City, Missouri 64163 and is a customer of Southern Pioneer Electric Company (“Southern Pioneer”).

2. This case arose when the Kansas Corporation Commission (“Commission”) ordered the opening of company-specific dockets and directed utility companies to file plans to minimize financial effects of the February 2021 cold weather event into the appropriate company-specific docket. See Order dated March 9, 2021, *In the Matter of Record Natural Gas Prices and Potential System Reliability Issues from Unprecedented and sustained Cold Weather*, Docket No. 21-GIMX-303-MIS at ¶ 10.

3. On March 10, 2021, Southern Pioneer filed its Application and Request for an Expedited Interim Order in this Docket (“Application”) requesting approval of its regulatory asset, its plan for recovery of the extraordinary costs incurred as a result of extreme weather and market

conditions experienced during February of 2021, and waiver of its Energy Cost Adjustment (ECA) tariff to the extent necessary to carry out the terms of the plan proposed in this Application. *Id.* at 1.

4. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties and privileges, immunities or other legal interests may be substantially affected by the proceeding. *See* K.A.R. 82-1-225(a).

5. National Beef is a beef processing company headquartered in Kansas City, Missouri. National Beef operates facilities in Liberal, Dodge City, and Kansas City, Kansas and employs over 8,000 people in the United States. Southern Pioneer serves multiple facilities of National Beef in and around Liberal. National Beef's main facility in Liberal uses roughly 9,600,000 kWh per month. As a result of the cold weather event, National Beef has been informed by Southern Pioneer that its total additional cost associated with this weather event is approximately \$2,541,707.00 for the month of February, as compared to an invoice of approximately \$430,000 in January 2021. Similarly, National Beef's February ECA is approximately \$.30523, compared to an ECA of \$.01788 in January 2021.

6. Given that National Beef is one of Southern Pioneer's largest customers, the effects of the cold weather event on National Beef were particularly acute. Similarly, Southern Pioneer's plans to minimize financial effects of the February 2021 cold weather event will have a significant cumulative effect on National Beef. At this time, National Beef is reviewing Southern Pioneer's Application and direct testimony to assess the basis for those cost increases and to evaluate the full impact upon National Beef. The merit and prudence of those cost increases and how Southern

Pioneer proposes to allocate those costs, either in the form of increased future rates or through collections on amounts charged last month, will substantially impact National Beef.

7. In the interest of justice, and because National Beef's interests will be substantially affected by this proceeding and are not adequately represented by any other party, the Commission's grant of this Petition is proper.

8. If granted intervention rights, National Beef is prepared to actively participate in the timely disposition of this proceeding.

9. No prejudice will be suffered by Southern Pioneer or other parties if this Commission grants this Petition.

10. All communications, correspondence, orders, decisions, and pleadings in this docket should be directed to:

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Vice President and General Counsel  
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WHEREFORE, for the foregoing reasons, National Beef respectfully requests that the Commission grant its Petition for Intervention in this matter, without limitation, such that National

Beef will receive notice of all pleadings and orders, may produce and cross-examine witnesses, be heard on the arguments, and in all other respects fully participate in this proceeding.

Dated: March 16, 2020

Respectfully submitted,

POLSINELLI PC

By: /s/ Frank Caro

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ATTORNEYS FOR NATIONAL BEEF

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading has been faxed, hand-delivered and/or mailed, First Class, postage prepaid, this 16<sup>th</sup> day of March, 2021, to:

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*/s/ Anne E. Callenbach* \_\_\_\_\_