

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

Before the Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

In the Matter of the Application of Western)
Cooperative Electric Association, Inc. Seeking) Docket No. 20-WSTE-440-TAR
Commission Approval to Update its Local)
Access Delivery Service Tariff Pursuant to)
34.5 kV Formula Based Rate Plan Approved in
Docket No. 16-MkEE-023-TAR.

**ORDER GRANTING PETITION TO INTERVENE
OF THE KANSAS POWER POOL AND DESIGNATING A PREHEARING OFFICER**

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. KPP Intervention

1. On April 30, 2020, the Western Cooperative Electric Association, Inc. (Western) filed an Application with the Commission for approval to update its Local Access Delivery Service (LADS) tariff.¹

2. On May 5, 2020, the Kansas Power Pool (KPP) filed a Petition to Intervene.²

3. KPP stated it provides wholesale capacity, energy and transmission services to its members, who have all signed KPP’s Amended Operating Agreement.³ KPP further stated it currently serves 24 Kansas municipal electric utilities and is one of Western’s wholesale local access customers, and, thus, is required to pay the LADS rates under Western’s FBR Plan.⁴

¹ Application of Western Cooperative Electric Association, Inc. (April 30, 2020).

² KPP Petition to Intervene (May 5, 2020).

³ See *id.*, ¶ 2.

⁴ See *id.*, ¶ 4.

4. The Commission shall grant intervention if the petition: (1) is submitted in writing and properly served; (2) state 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.⁵ 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 the proceedings.⁶ At any time during a proceeding, the Commission may impose limitations on an intervenor's participation, which may include limiting an intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition, limiting intervenor discovery, cross-examination and other procedures, and requiring intervenors to consolidate their participation in the proceedings.⁷

II. Prehearing Officer Designation

5. Pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b).

6. Any electronic serviced received after 5:00 p.m. on a deadline set forth in a procedural schedule shall be considered as filed on the next day and shall be accompanied by a Motion to File Out-of-Time.

FINDINGS AND CONCLUSIONS

7. KPP submitted its petition to intervene in writing and properly served it pursuant to K.S.A. 77-521(a)(1). Additionally, KPP has demonstrated that its legal interests may be

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

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

⁷ K.S.A. 77-521(c); K.A.R. 82-1-225(c).

substantially affected by the proceedings in this docket. Therefore, the Commission finds that KPP has substantially met the requirements of K.S.A. 77-521 and there exists no evidence that the interests of justice or the orderly and prompt conduct of the proceedings will be impaired by KPP's intervention in this matter.

8. KPP will be added to the official service list. Service of pleadings, communications, and correspondence should be delivered to counsel of record and KEC's other designees, as follows:

Larry Holloway
Assistant General Manager/Operations
Kansas Power Pool
100 North Broadway, Suite L110
Wichita, Kansas 67202
Phone: (316) 425-0431
Fax: (888) 425-4943
Email: lholloway@kansaspowerpool.org

Mark Chesney
CEO/General Manager
Kansas Power Pool
100 North Broadway, Suite L110
Wichita, Kansas 67202
Phone: (316) 425-0431
Fax: (888) 431-4943
Email: mchesney@kansaspowerpool.org

James Ging
Director of Engineering Services
Kansas Power Pool
100 North Broadway, Suite L110
Wichita, Kansas 67202
Phone: (316) 425-0431
Fax: (888) 431-4943
Email: jging@kansaspowerpool.org

Amy Fellows Cline
Attorney
Triplett Woolf Garretson, LLC
2959 North Rock Road, Suite 300
Wichita, Kansas 67226
Phone: (316) 630-8100
Fax: (316) 630-8101
Email: amycline@tgwfirm.com

9. The Prehearing Officer in this proceeding shall be Phoenix Anshutz, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, email address p.anshutz@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity.

THEREFORE, THE COMMISSION ORDERS:

- A. KPP's Petition to Intervene is granted pursuant to K.S.A. 77-521.
- B. Phoenix Anshutz is designated as the Prehearing Officer.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁸

D. 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.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 05/12/2020



Lynn M. Retz
Executive Director

PZA

⁸ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

20-WSTE-440-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 05/12/2020.

PHOENIX ANSHUTZ, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
p.anshutz@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.masenthin@kcc.ks.gov

MARK CHESNEY, CEO & GENERAL MANAGER
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
Fax: 888-431-4943
mchesney@kansaspowerpool.org

JAMES GING, DIRECTOR ENGINEERING SERVICES
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
Fax: 888-431-4943
jging@kansaspowerpool.org

LARRY HOLLOWAY, ASST GEN MGR OPERATIONS
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
Fax: 888-431-4943
lholloway@kansaspowerpool.org

ELENA LARSON, MANAGER, RATES AND REGULATORY
SERVICES
POWER SYSTEM ENGINEERING, INC.
3321 SW 6TH AVE
TOPEKA, KS 66606
larsone@powersystem.org

AMY FELLOWS CLINE, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
Fax: 316-630-8101
amycline@twgfirm.com

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

STACEY MALSAM, ASSISTANT GENERAL MANAGER
WESTERN COOPERATIVE ELECTRIC ASSN., INC.
635 S 13TH ST
PO BOX 278
WAKEENEY, KS 67672-0278
Fax: 785-743-2717
staceym@westerncoop.com

THOMAS RUTH, GENERAL MANAGER
WESTERN COOPERATIVE ELECTRIC ASSN., INC.
635 S 13TH ST
PO BOX 278
WAKEENEY, KS 67672-0278
Fax: 785-743-2717
tomr@westerncoop.com

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/S/ DeeAnn Shupe
DeeAnn Shupe
