

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

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

In the Matter of the Application of Western)
Cooperative Electric Association, Inc. Seeking)
Commission Approval to Update its Local) Docket No. 21-WSTE-404-TAR
Access Delivery Service Tariff Pursuant to the)
34.5kV Formula Based Rate Plan Approved in)
Docket No. 21-SEPE-049-TAR.)

ORDER GRANTING PETITION TO INTERVENE OF KANSAS POWER POOL

This matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and decision. The Commission finds the following:

1. On April 28, 2021, Western Cooperative Electric Association, Inc. (Western) filed an application with the Commission seeking approval to update its Local Access Delivery Service (LADS) tariff. Western seeks to increase the LADS demand charge, assessed to wholesale users of its 34.5kV system, from \$0.96 per kW to \$1.68 per kW.

2. On May 7, 2021, the Kansas Power Pool (KPP) submitted a petition to intervene.¹ KPP explains it is a municipal energy agency formed under K.S.A. 12-885 *et seq.*, which provides wholesale capacity, energy and transmission services to its members.² KPP states it serves 24 Kansas municipal electric utilities, and KPP is one of Western’s wholesale local access customers and is required to pay the LADS rates under Western’s 34.5kV formula based rate plan.³ KPP further explains three of its member cities, Holyrood, Lucas, and Luray, are served by Western’s

¹ KPP Petition to Intervene (May 7, 2021).

² *Id.*

³ *Id.*

facilities.⁴ KPP, and ultimately its members, will or may be bound by a Commission order or activity in this proceeding, and KPP and its members may be adversely affected thereby. It is stated that KPP's interests herein are not adequately represented by any other party, and its intervention will not impair the orderly and prompt conduct of the proceedings.⁵

3. 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.⁶ 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.⁷ At any time during a proceeding, the Commission may impose limitations on an intervenor's participation.⁸

4. KPP submitted its petition to intervene in writing and properly served it pursuant to K.S.A. 77-521(a)(1). KPP demonstrated its legal interests may be substantially affected by the proceedings in this docket. The Commission finds KPP has substantially met the requirements of K.S.A. 77-521 and the interests of justice or the orderly and prompt conduct of the proceedings will not be impaired by KPP's intervention in this matter.

⁴ *Id.*

⁵ *Id.*

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

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

⁸ K.S.A. 77-521(c); K.A.R. 82-1-225(c).

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

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THEREFORE, THE COMMISSION ORDERS:

A. KPP's Petition to Intervene is granted.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 05/20/2021



Lynn M. Retz
Executive Director

PZA

CERTIFICATE OF SERVICE

21-WSTE-404-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 05/20/2021.

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CERTIFICATE OF SERVICE

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