

4. CCPS stated no party to the proceeding adequately represents its interests, however, it intends to participate through the Kansas Industrial Consumers Group, Inc. (KIC) which was granted intervention on March 20, 2018.³ CCPS agreed to accept the current state of the docket in all respects⁴ and requested full participation.⁵

Legal Standards

5. The Commission shall grant intervention if the petition: (1) is submitted in writing and properly served; (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.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, 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.⁸

Findings and Conclusions

6. CCPS submitted its Petition to Intervene in writing and properly served it, pursuant to K.S.A. 77-521(a)(1).

³ Petition, ¶ 4.

⁴ Petition, ¶ 3.

⁵ Petition, ¶ 5.

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).

7. The Commission finds and concludes that CCPS is similarly situated with other large industrial consumers of Westar's service who are members of KIC and have been granted intervention in this proceeding.⁹ Therefore, the Commission finds it appropriate to condition CCPS' intervention on the requirement that CCPS combine its activities in the docket with, and appear through, KIC.

8. The Commission finds and concludes that CCPS, through KIC, has met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this docket. CCPS will be added to the mailing list, and electric service of pleadings, communications, and correspondence should be delivered to counsel of record as follows:

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THEREFORE, THE COMMISSION ORDERS:

- A. CCPS Transportation, LLC is granted intervention through KIC.
- B. 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).¹⁰
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.


⁹ See e.g. *Order Granting Intervention to Cargill, Incorporated; Coffeyville Resources Refining & Marketing, LLC; Occidental Chemical Corporation; Spirit Aerosystems, Inc.; and the Goodyear Tire & Rubber Company* (Mar. 22, 2018)

¹⁰ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 07/10/2018

A handwritten signature in cursive script, reading "Lynn M. Retz", written in dark ink.

Lynn M. Retz
Secretary to the Commission

MJD/sc

CERTIFICATE OF SERVICE

18-WSEE-328-RTS

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 07/10/2018.

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