

Credits.”³ Topeka Metro also noted that, as a governmental entity, it “is funded primarily through taxpayer dollars.”⁴ Topeka Metro stated it “would be significantly affected regarding its future capital funding opportunities for transit vehicles,”⁵ as well as being affected in its “ongoing operating costs for fuel for its fleet.”⁶ Topeka Metro requested that its intervention be limited to participation on “the designated issue of the Electric Transit Rate Schedule, in which Topeka Metro has a particular interest.”⁷

4. Topeka Metro argued its limited intervention serves the interests of justice and will not impair the orderly and prompt conduct of these proceedings.⁸

Legal Standards

5. The Commission shall grant intervention if the petition: (1) is submitted in writing; (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.⁹ 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 proceedings.¹⁰ 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

³ Petition to Intervene, ¶ 3.

⁴ Petition to Intervene, ¶ 2.

⁵ Petition to Intervene, ¶ 4.

⁶ Petition to Intervene, ¶ 4.

⁷ Petition to intervene, ¶ 5.

⁸ Petition to Intervene, ¶ 6.

⁹ K.S.A. 77-521(a); K.A.R. 82-1-225(a).

¹⁰ K.S.A. 77-521(b); K.A.R. 82-1-225(b).

interest demonstrated by the petition, limiting intervenor discovery, cross-examination and other procedures, and requiring intervenors to consolidate their participation in the proceedings.¹¹

Findings and Conclusions

6. Topeka Metro submitted its intervention petition in writing, properly served it, pursuant to K.S.A. 77-521(a)(1), and stated facts demonstrating that its legal rights and interests may be substantially affected by this proceeding, pursuant to K.S.A. 77-521(a)(2). The Commission finds that, as an entity with a particular interest in Westar's Electric Transit Rate Schedule, Topeka Metro's intervention will not impair the interests of justice, nor will its participation impede the orderly and prompt conduct of the proceedings, pursuant to K.S.A. 77-521(a)(3). Thus, the Commission finds that Topeka Metro has met the requirements for intervention of K.S.A. 77-521 and K.A.R. 82-1-225. Pursuant to Topeka Metro's request, the Commission finds it should be granted limited intervention on the issue of Westar's proposed Electric Transit Rate Schedule.

7. Topeka Metro will be added to the mailing list. Service of electronic notices, pleadings, testimony, orders, communications, and other documents should be directed to the following:

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THEREFORE, THE COMMISSION ORDERS:

A. Topeka Metro is granted limited intervention, allowing it to participate in these proceedings only on the issue of Westar's proposed Electric Transit Rate Schedule.

¹¹ K.S.A. 77-521(c); K.A.R. 82-1-225(c).

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).¹²

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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 05/24/2018

A handwritten signature in black ink, appearing to read "Lynn M. Retz", with a stylized flourish at the end.

Lynn M. Retz
Secretary to the Commission

MJD

¹² K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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 05/24/2018.

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