

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of Southern Pioneer )  
Electric Company for Approval of the )  
Continuation of its Debt Service ) Docket No. 19-SPEE-240-MIS  
Coverage and 34.5 kV Formula Based )  
Ratemaking Plans. )

**PETITION OF KANSAS ELECTRIC POWER**  
**COOPERATIVE, INC. TO INTERVENE**

COMES NOW Kansas Electric Power Cooperative, Inc. (“KEPCo”) and, pursuant to K.S.A. 77-521 and K.A.R. 82-1-225, respectfully petitions the State Corporation Commission of the State of Kansas (“Commission”) for an order permitting it to intervene in the above-captioned docket. In support of its petition, KEPCo states as follows:

1. KEPCo is a corporation duly organized and existing under the laws of the State of Kansas, with its registered office and principal place of business at 600 SW Corporate View, Topeka, Kansas, 66615.

2. KEPCo is engaged in the business of a generation and transmission cooperative electric supplier providing power and energy to nineteen member distribution cooperatives (“Members”) in the state of Kansas pursuant to all-requirements wholesale electric power agreements. KEPCo’s Members serve more than 125,000 retail meters in the eastern two-thirds of Kansas, which equates to approximately 300,000 Kansans.

3. On December 9, 2019, Southern Pioneer Electric Company (“Southern Pioneer”) filed its Application seeking the continuation of a combined Debt Service Coverage (“DSC”) and 34.5 kV formula-based rate (“FBR”) plan (collectively, “FBR Plan”). The Commission had previously approved two separate FBR plans for Southern Pioneer in Docket Nos. 13-MKEE-452-MIS and 16-MKEE-023-TAR. Pursuant to Commission orders in those two dockets, on

December 20, 2018, Southern Pioneer notified the Commission of its intent to continue the previously approved initial FBR plans, which was approved by the Commission on January 15, 2019 in the instant docket.

4. According to Southern Pioneer, the December 9, 2019 Application is in furtherance of its intent to continue utilizing the FBR mechanisms and also to combine the DSC and 34.5 kV FBRs into one annual filing, with necessary modifications to allow for assimilation of the historic and separate initial FBR plans. See Application (Dec. 9, 2019) at 4. Specifically, Southern Pioneer proposes approval of an FBR Plan that includes: (i) the annual calculation and recovery of Southern Pioneer's revenue requirement, based upon an established formula, to keep revenue at a level to achieve a pre-established DSC target ratio for services provided to all of its customers, including wholesale customers receiving Local Access Delivery Service (LADS) over Southern Pioneer's 34.5kV sub-transmission facilities; and (ii) defined protocols, outlining the implementation and Annual Update Filing before the Commission. Id. Southern Pioneer states that interested entities are permitted to comment on whether Southern Pioneer's plan should be continued or on any proposed changes thereto, or that interested entities may present their own proposed changes. Id.

5. KEPCo takes service under Southern Pioneer's LADS tariff as one of its largest – if not the largest – customer. Therefore, KEPCo seeks to intervene in the docket in order to review the filing and determine the impact on KEPCo of continued use of FBR mechanisms and combining the DSC and 34.5 kV FBRs into one annual filing. KEPCo will comment on the FBR Plan and proposed changes thereto or will propose other changes as may be necessary to protect its interests.

6. In addition, should the Commission allow Southern Pioneer to continue utilizing the FBR mechanisms and to combine the DSC and 34.5 kV FBRs into one annual filing, KEPCo will be bound by such Commission order and may be adversely affected thereby.

7. Further, KEPCo's interest herein may not be adequately represented by any other party to the proceeding.

8. Thus, KEPCo submits its petition to intervene should be granted without limitation.

9. In addition to the undersigned counsel, service of all pleadings, testimony, briefs, orders, correspondence, and other communication relating to this docket should be sent to the following named individuals:

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WHEREFORE, for the above and foregoing reasons, KEPCo respectfully requests that the Commission grant its petition to intervene and for such other relief as the Commission deems just and proper.

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Respectfully submitted,

/s/ *Susan B. Cunningham*

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**VERIFICATION**  
**(K.S.A. 53-601)**

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )

I, Susan B. Cunningham, verify under penalty of perjury that I have caused the foregoing Petition of Kansas Electric Power Cooperative, Inc. to Intervene to be prepared on behalf of Kansas Electric Power Cooperative, Inc.; that I have read and reviewed the Petition; and that the contents thereof are true and correct to the best of my information, knowledge, and belief.

*/s/ Susan B. Cunningham*

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Susan B. Cunningham

Executed on this 12th day of December, 2019.

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Petition of Kansas Electric Power Cooperative, Inc. to Intervene was electronically served on this 12<sup>th</sup> day of December, 2019, to the following named persons appearing on the Commission's service list as last modified on March 25, 2019:

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/s/ *Susan B. Cunningham*

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