

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

Before Commissioners: Mark Sievers, Chairman
 Thomas E. Wright
 Shari Feist Albrecht

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| In the Matter of the Application of |) | |
| Wheatland Electric Cooperative, Inc. for |) | |
| Approval to Make Certain Changes in Its |) | Docket No. 14-WHLW-218-RTS |
| Charges for Water Service to Tyson Fresh |) | |
| Meats, Inc. |) | |

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| In the Matter of the Application of |) | |
| Wheatland Electric Cooperative, Inc. for a |) | |
| Regulatory Order Establishing and |) | |
| Approving Amendment No. 1 to Agreement |) | Docket No. 14-WHLW-217-CON |
| on Facilities Between Sunflower Electric |) | |
| Power Corporation and Wheatland Electric |) | |
| Cooperative, Inc. |) | |

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| In the Matter of the Application of |) | |
| Wheatland Electric Cooperative, Inc. for a |) | |
| Regulatory Order Establishing and |) | |
| Approving Amendment No. 2 of Joint |) | Docket No. 14-WHLW-176-CON |
| Agreement for Water Purchase Treatment |) | |
| and Distribution Between the City of Garden |) | |
| City, Kansas, and Wheatland Electric |) | |
| Cooperative, Inc. |) | |

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| In the Matter of the Application of |) | |
| Wheatland Electric Cooperative, Inc. for |) | |
| Regulatory Order Establishing and |) | |
| Approving Amendment No. 1 to Agreement |) | Docket No. 14-WHLW-157-CON |
| on Facilities Between Finney County Rural |) | |
| Water District No. 1 and Wheatland Electric |) | |
| Cooperative, Inc. |) | |

ORDER CONSOLIDATING DOCKETS; SUSPENSION ORDER

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having reviewed the pleadings and record, the Commission finds and concludes as follows:

I. Background

1. On November 14, 2013, Commission Staff (Staff) filed its Motion for Docket Consolidation and Suspension (Motion). In its Motion, Staff stated Wheatland Electric Cooperative, Inc. (Wheatland) is a public water utility who has four customers under special contract: (1) Finney County Rural Water District No. 1 (Finney RWD #1), (2) the City of Garden City, Kansas (Garden City), (3) Sunflower Electric Power Corporation (Sunflower), and (4) Tyson Fresh Meats, Inc. (Tyson).¹ Wheatland has four separate applications pending with the Commission relating to water service rates with each of its customers. First, Docket No. 14-WHLW-157-CON is an application for special contract approval between Wheatland and Finney RWD #1.² Second, Docket No. 14-WHLW-176-CON is an application for special contract approval between Wheatland and Garden City.³ Third, Docket No. 14-WHLW-217-CON is an application for special contract approval between Wheatland and Sunflower.⁴ Lastly, Docket No. 14-WHLW-218-RTS is an application for tariff rates between Wheatland and Tyson.⁵

2. Staff advances that greater administrative efficiency can be achieved by consolidating the dockets because a complete investigation of Wheatland's cost of service must be done in order to verify if the contracts and tariff are just and reasonable.⁶ Staff also motioned the Commission to suspend the dockets because Staff needs time to perform a complete cost of service analysis and individual contract review.⁷ Staff proposes July 11, 2014, as the date for the

¹ Staff's Motion for Docket Consolidation and Suspension, ¶¶ 1-2 (November 14, 2013).

² Docket No. 14-WHLW-157-CON, Application (October 7, 2013).

³ Docket No. 14-WHLW-176-CON, Application (October 15, 2013).

⁴ Docket No. 14-WHLW-217-CON, Application (November 13, 2013).

⁵ Docket No. 14-WHLW-218-RTS, Application (November 13, 2013).

⁶ Staff's Motion for Docket Consolidation and Suspension, ¶¶ 5-6.

⁷ *Id.* at ¶ 6.

final order because Staff could not start their review until all four Applications were filed and Wheatland has agreed to waive the 240 day deadline for the special contract Applications.⁸

II. Order Consolidating Dockets

3. The Commission finds the dockets should be consolidated. All four dockets require common findings of fact concerning Wheatland's cost of service. Since the Commission's ability to issue final orders on each docket is determinant upon Staff's cost of service investigation, issuing orders on separate dockets with different deadlines is impractical. Thus, the dockets will be consolidated to achieve administrative efficiency for the parties and the Commission.

III. Suspension Order

4. A full investigation of Wheatland's Applications for contract approval and tariff rates, which may result in a hearing, is deemed necessary and proper. Commission Staff is without sufficient time to fully review, consider, and analyze whether the proposed Applications are just and reasonable and also in the public interest.

5. The Commission finds that suspension of the Applications and deferral of their effective date are required to allow sufficient time for full investigation of this matter. The Applications should be suspended for a period of 240 days from the date the last Application was filed, November 13, 2013, until July 11, 2014, pursuant to K.S.A. 2013 Supp. 66-117(c). Wheatland is unopposed to this suspension and has agreed to waive the 240 day deadlines for the three special contract filings.⁹

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The four dockets shall be consolidated into Docket No. 14-WHLW-218-RTS.

⁸ *Id.* at ¶¶ 6-7.

⁹ *Id.* at ¶ 7.

- B. The final order on this consolidated docket is suspended until July 11, 2014.
- C. The parties have fifteen days, plus three days if service of this order is by mail, from the date this Order was served in which to petition the Commission for reconsideration.¹⁰
- 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.

Sievers, Chairman; Wright, Commissioner; Albrecht, Commissioner

Dated: DEC 03 2013



ORDER MAILED DEC 04 2013

Kim Christiansen
Executive Director

MLS

¹⁰ K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

| NAME AND ADDRESS | NO. CERT. COPIES | NO. PLAIN COPIES |
|--|------------------------|------------------------|
| MICHAEL MUIRHEAD, DIRECTOR OF UTILITIES CITY OF GARDEN CITY 301 N 8TH ST PO BOX 998 GARDEN CITY, KS 67846 | | |
| LYNN FREESE, PRESIDENT FINNEY COUNTY RURAL WATER DISTRICT #1 101 MAIN ST PO BOX 230 SCOTT CITY, KS 67871 | | |
| SAMUEL FEATHER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered*** | | |
| MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered*** | | |
| MARK SPRECKER, ADVISORY COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered*** | | |
| SARAH TOEVS SULLIVAN, ATTORNEY STINSON MORRISON HECKER LLP 1201 WALNUT ST STE 2900 KANSAS CITY, MO 64106 | | |
| STUART LOWRY, PRESIDENT AND CEO SUNFLOWER ELECTRIC POWER CORPORATION 301 W. 13TH PO BOX 1020 (67601-1020) HAYS, KS 67601 | | |
| WILL HIGGINBOTHOM, CORPORATE COUNSEL TYSON FOODS, INC. 2200 W DON TYSON PKWY SPRINGDALE, AR 72762 | | |

ORDER MAILED DEC 04 2013

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

IN RE: DOCKET NO. 14-WHLW-218-RTS

DATE DEC 03 2013

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

| NAME AND ADDRESS | NO. CERT. COPIES | NO. PLAIN COPIES |
|--|------------------------|------------------------|
| KEEN K. BRANTLEY, ATTORNEY WALLACE, BRANTLEY & SHIRLEY 325 MAIN ST PO BOX 605 SCOTT CITY, KS 67871 | | |

ORDER MAILED DEC 04 2013

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.