

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Application of The )  
Empire District Electric Company for )  
Approval of its Annual Energy Cost ) Docket No. 18-EPDE-231-ACA  
Adjustment ("ACA") Filing. )  
)

**ORDER GRANTING CURB'S PETITION TO INTERVENE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. On December 1, 2017, The Empire District Electric Company (Empire) filed an Application with the Commission for approval of its Annual Energy Cost Adjustment for year ending October 31, 2017, and for its annual forecast of energy costs for 2018.<sup>1</sup>

2. On December 6, 2017, the Citizens' Utility Ratepayer Board (CURB) filed its Petition to Intervene, citing its statutory authority to represent residential and small commercial ratepayers. CURB explains the rates paid by and the services received by residential and small commercial customers may be substantially affected by this proceeding.<sup>2</sup>

3. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the

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<sup>1</sup> Application of Empire, (Dec. 1, 2017).

<sup>2</sup> CURB's Petition to Intervene, ¶ 5 (Dec. 6, 2017).

proceedings, and if the party has stated facts demonstrating its legal rights, duties, and privileges, immunities, or other legal interests may be substantially affected by the proceeding.<sup>3</sup>

4. The Commission finds CURB has demonstrated an interest in this proceeding. Therefore, pursuant to K.S.A. 77-521, the Commission grants CURB's Petition for Intervention.

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

David W. Nickel, Consumer Counsel, #11170  
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**THEREFORE, THE COMMISSION ORDERS:**

- A. CURB's Petition to Intervene is granted pursuant to K.S.A. 77-521.
- B. Parties have 15 days, plus three days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration or request a hearing, as provided in K.S.A. 77-542.<sup>4</sup>

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<sup>3</sup> K.S.A. 77-521; K.A.R. 82-1-225.

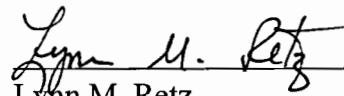
<sup>4</sup> See also K.S.A. 66-118b; K.S.A. 77-529(a)(1).

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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 19 2017

  
Lynn M. Retz  
Secretary to the Commission

REV/vj

**EMAILED**

DEC 19 2017

## CERTIFICATE OF SERVICE

18-EPDE-231-ACA

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 DEC 19 2017.

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/S/ DeeAnn Shupe  
DeeAnn Shupe

**EMAILED**

DEC 19 2017