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

Before Commissioners:

Shari Feist Albrecht, Chair Jay Scott Emler Dwight D. Keen

In the Matter of the Application of Sunflower Electric Power Corporation and Kansas) Electric Power Cooperative, Inc. For an) Order Approving a New Wholesale Power Agreement.

Docket No. 19-SEPE-185-CON Docket No. 06-SEPE-1203-CON

ORDER APPROVING JOINT MOTION

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The above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

I. BACKGROUND

1. On May 12, 2006, Sunflower Electric Power Corporation ("Sunflower") and Kansas Electric Power Cooperative, Inc. ("KEPCo") filed a joint application in Docket No. 06-SEPE-1203-CON ("06-1203 Docket") for Commission approval of a Wholesale Power Agreement (WPA), dated May 11, 2006, between Sunflower and KEPCo.¹ The WPA provided that Sunflower would sell and KEPCo would purchase power and energy at Sunflower's Member Rate ("WHM Rate") under tariff schedule WHM-04 plus an adder ("WPA Rate").² The Commission approved the WPA Rate on July 17, 2006 in the 06-1203 Docket.³

¹ Sunflower Electric Power Corporation and Kansas Electric Power Cooperative, Inc., Application to Approve Wholesale Power Agreement, (06-1203 Joint Application) (May 12, 2006).

 $^{^{2}}$ *Id.* at 2.

³ Order Approving Wholesale Power Agreement, at 3, (06-1203 Order) (July, 17, 2006).

2. On November 2, 2018, Sunflower filed a new Application for Approval of WPA Rate in WHM-19 ("WHM-19 Application") in a new docket, Docket No. 19-SEPE-185-CON ("19-185 Docket").⁴ The application requests the Commission approve a WPA Rate modification similar to those in the past.

3. On November 21, 2018, Sunflower, KEPCo and Commission Staff submitted a Joint Motion requesting the Commission: (1) re-open the 06-1203 Docket, (2) transfer all pleadings and documents of record in the 19-185 Docket to the 06-1203 Docket and (3) close the 19-185 Docket.⁵ As the Joint Movants detail, this consolidation of dockets is necessary for ease of administration and to remain consistent with historical filings regarding the WPA as it is updated annually.⁶ By doing so, the Joint Movants recognize the previously issued Orders in the 19-SEPE-185-CON Docket shall remain intact and enforceable in the 06-1203 Docket.⁷

II. FINDINGS AND CONCLUSIONS

4. The Joint Movants request the transfer of the formal record contained within the 19-185 Docket to the 06-1203 Docket. The Commission finds the reasoning and rationale detailed by the Joint Movants supports this transfer. Accordingly, the Commission finds transferring the formal record of the 19-185 Docket to the 06-1203 Docket will promote administrative efficiency and is in the best interest of the Commission, Commission Staff and parties to the proceeding.

5. The Commission finds and concludes the 06-1203 Docket shall be reopened.

⁴ Sunflower Electric Power Corporation Application for Approval of WPA Rate in WHM-19, (WHM-19 Application) Docket No. 19-SEPE-185-CON (Nov. 2, 2018).

⁵ Joint Motion, Docket No. 19-SEPE-185-CON at 2 (Nov. 21, 2018).

⁶ Id. at 2.

⁷ Id.

6. The Commission finds and concludes all documents, pleadings, applications and orders contained within the 19-185 Docket shall be transferred to the 06-1203 Docket. Upon the conclusion of this transfer, the Commission finds and concludes the 19-185 Docket may be closed.

7. The Commission finds and concludes all Orders issued by the Commission in the 19-185 Docket shall remain fully enforceable and intact in the 06-1203 Docket. Any transferred Commission order shall be treated as if it had been issued in the 06-1203 Docket.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Joint Motion filed on November 21, 2018 is approved.

B. The 06-SEPE-1203-CON Docket shall be reopened.

C. All documents, pleadings, applications and orders contained within the 19-SEPE-185-CON Docket shall be transferred to the 06-SEPE-1203-CON Docket. Upon the conclusion of this transfer, the 19-SEPE-185-CON Docket may be closed.

D. All Orders issued by the Commission in the 19-SEPE-185-CON Docket shall remain fully enforceable and intact in the 06-SEPE-1203-CON Docket. Any transferred Commission order shall be treated as if it had been issued in the 06-SEPE-1203-CON Docket.

E. 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).⁸

F. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

⁸ 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

12/04/2018 Dated:

Lynn M. Retz

Secretary to the Commission

CAB/REV

CERTIFICATE OF SERVICE

19-SEPE-185-CON

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 12/04/2018

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