

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

In the Matter of Application of Southern)
Pioneer Electric Company for Approval of a)
Regulatory Asset, Allocation and)
Implementation Plan for Recovery of) Docket No. 21-SPEE-331-GIE
Extraordinary Costs Incurred as a Result of)
Extreme Weather and Market Conditions)
Experienced During the Month of February)
2021)

**STAFF'S RESPONSE TO SOUTHERN PIONEER'S REQUEST
FOR AN INTERIM ORDER**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) hereby files its Response to Southern Pioneer Electric Company's (Southern Pioneer) Request for the issuance of an Interim Order in the above-captioned docket. Staff states the following:

1. On March 10, 2021, Southern Pioneer filed its Application and Request for an Expedited Interim Order in the instant docket. In its Application, Southern Pioneer requests approval of its regulatory asset, its plan for recovery of the extraordinary costs incurred as a result of extreme weather and market conditions experienced during February 2021, and a waiver of its Energy Cost Adjustment (ECA) tariff to the extent necessary to carry out the terms of the plan proposed in its Application.¹ Further, Southern Pioneer requests the Commission issue an Expedited Order within ten (10) days of its Application, specifically, 1) approving special provisions for customers disconnecting prior to the Commission's issuance of a final order in this

¹ Application and Request for an Expedited Interim Order, p. 1 (Mar. 10, 2021) (Application).

docket and 2) allowing one large industrial customer to pay its share of the extraordinary February costs in its April bill instead of through the regulatory asset.

2. Staff recognizes the Commission has authority to issue interim orders under K.S.A. 66-117(a).

3. Staff has reviewed Southern Pioneer's request for an interim order and is supportive of the request, as it represents an equitable solution for Southern Pioneer and its customers. Staff recommends that, to the extent the Commission approves Southern Pioneer's request for an interim order, the Commission make clear in its order that each customer who disconnects service from Southern Pioneer's system before a final order on the merits of the Application is issued in this matter, will only be charged on an interim, subject-to-refund basis. Because the costs included in Southern Pioneer's Application are not final and will be subjected to full review and analysis by Staff and any intervenors, charging disconnecting customers on a subject-to-refund basis will allow those customers to be reimbursed if the Commission later determines a portion of the costs were imprudent, the costs should be allocated differently, or if the costs are offset by any emergency funding that becomes available.

WHEREFORE, Staff respectfully requests the Commission grant Southern Pioneer's request for an interim order, with the caveat recommended by Staff in paragraph 3.

Respectfully submitted,

/s/ Carly R. Masenthin

Carly R. Masenthin, #27944
Staff Attorney
1500 SW Arrowhead Rd
Topeka, KS 66604
Phone (785) 271-3361
Email: c.masenthin@kcc.ks.gov

CERTIFICATE OF SERVICE

21-SPEE-331-GIE

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Response to Southern Pioneer's Request for an Interim Order was electronically served this 15th day of March, 2021, to the following:

JOSEPH R. ASTRAB, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
j.astrab@curb.kansas.gov

TODD E. LOVE, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
t.love@curb.kansas.gov

DAVID W. NICKEL, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.nickel@curb.kansas.gov

SHONDA RABB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
s.rabb@curb.kansas.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.smith@curb.kansas.gov

GLENDA CAFER, ATTORNEY
GLENDA CAFER
800 SW JACKSON
SUITE 1310
TOPEKA, KS 66612-1216
Fax: 785-233-3040
gcafer@morrislaing.com

PHOENIX ANSHUTZ, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
p.anshutz@kcc.ks.gov

BRIAN G. FEDOTIN, GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
b.fedotin@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.masenthin@kcc.ks.gov

TERRI PEMBERTON, CHIEF LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
t.pemberton@kcc.ks.gov

CERTIFICATE OF SERVICE

21-SPEE-331-GIE

LARISSA BATTERTON, LEGAL EXECUTIVE ASSISTANT
PIONEER ELECTRIC COOP. ASSN., INC.
1850 W OKLAHOMA
PO BOX 368
ULYSSES, KS 67880-0368
Fax: 620-356-4306
lbatterton@peionnrelectric.coop

LINDSAY CAMPBELL, EXECUTIVE VP - GENERAL
COUNSEL
SOUTHERN PIONEER ELECTRIC COMPANY
1850 W OKLAHOMA
PO BOX 430
ULYSSES, KS 67880-0368
Fax: 620-356-4306
lcampbell@pioneerelectric.coop

CHANTRY SCOTT, CFO, VP OF FINANCE AND
ACCOUNTING
SOUTHERN PIONEER ELECTRIC COMPANY
1850 WEST OKLAHOMA
PO BOX 403
ULYSSES, KS 67880
Fax: 620-356-4306
cscott@pioneerelectric.coop

/s/ Vicki Jacobsen

Vicki Jacobsen