

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

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

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.)

PREHEARING OFFICER'S ORDER SETTING PREHEARING CONFERENCE

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. On December 3, 2013, the Commission designated Mark L. Sprecker, Advisory Counsel, to act as Prehearing Officer in this proceeding.¹ Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. Wheatland Electric Cooperative, Inc. (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 County Rural Water District No. 1 (Finney RWD #1).² Second, Docket No. 14-WHLW-176-CON is an application for special contract approval between Wheatland and the City of Garden City, Kansas (Garden City).³ Third, Docket No. 14-WHLW-217-CON is an application for special contract approval between Wheatland and Sunflower Electric Power

¹ Order Designating Prehearing Officer; Protective Order; Discovery Order; Procedural Order, ¶ 3 (December 3, 2013).

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

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

Corporation (Sunflower).⁴ Lastly, Docket No. 14-WHLW-218-RTS is an application for tariff rates between Wheatland and Tyson Fresh Meats, Inc. (Tyson).⁵

2. On December 3, 2013, the Commission consolidated Wheatland's dockets into Docket No. 14-WHLW-218-RTS because each docket requires common findings of fact concerning Wheatland's cost of service.⁶ Also on December 3, 2013, the Commission issued a Suspension Order,⁷ Order Designating Prehearing Officer, Protective Order, Discovery Order, and Procedural Order.⁸

3. On December 19, 2013, the Commission granted intervention to Tyson and ordered the Prehearing Officer to set a prehearing conference for the purpose of establishing a procedural schedule.⁹

4. The Prehearing Officer concludes a prehearing conference is needed to discuss scheduling and, therefore, sets a Scheduling Conference for January 22, 2014, at 10:00 a.m., in the Third Floor Hearing Room of the Commission's offices, 1500 SW Arrowhead Road, Topeka, KS 66604-4027. The Scheduling Conference will focus on issues that relate to development of a procedural schedule for this docket. Parties should also be prepared to discuss discovery procedures and any other prehearing issues that will promote the orderly and prompt conduct of this proceeding.¹⁰ Parties may appear by teleconference. Any party who fails to attend or participate in the hearing or in any other stage of this proceeding may be held in default under the KAPA.¹¹ At the prehearing conference, this proceeding without further notice may be

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

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

⁶ Docket No. 14-WHLW-218-RTS, Order Consolidating Dockets, Suspension Order, (December 3, 2013).

⁷ *Id.* (deferring any decision in this docket until July 11, 2014).

⁸ Order Designating Prehearing Officer; Protective Order; Discovery Order; Procedural Order, (December 3, 2013).

⁹ Order Granting Tyson Fresh Meats, Inc.'s Motion for Intervention and the Setting of a Prehearing Conference, (December 19, 2013).

¹⁰ K.S.A. 77-517; K.A.R. 82-1-222.

¹¹ K.S.A. 77-516(c)(8); K.S.A. 77-520.

converted into a conference hearing or a summary proceeding for disposition of the matter as provided by KAPA.¹²

5. The Commission approves the use of electronic service of all testimony, briefs, and orders, without requiring the provision of follow-up hard copies as required by K.A.R. 82-1216(a)(6). Confidential papers will be served either electronically if confidentiality can be retained or by some other method such as providing information on a compact disc. Testimony and briefs must be served electronically by 3:00 p.m., on the date due, without requiring service among the parties of a follow-up hard copy, but the original and at least seven paper copies of testimony and briefs must still be filed for use by the Commission.¹³ Any electronic service of Commission Orders without follow-up hard copies will specifically state in the electronic message serving the Order that the electronic message constitutes service of the attached Commission Order, and that no hard copy will follow. The Commission directs electronic service of testimony and briefs include service on the Prehearing Officer at m.sprecker@kcc.ks.gov.

WHEREFORE, THE PREHEARING OFFICER FINDS AND CONCLUDES:

A. The Scheduling Conference is set for January 22, 2014, beginning at 10:00 a.m., in the Third Floor Hearing Room of the Commission's offices, 1500 SW Arrowhead Road, Topeka, KS 66604-4027. Parties may appear by teleconference.

B. The Prehearing Officer approves of electronic service in this docket with no follow-up hard copies.

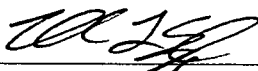
¹² K.S.A. 77-516(c)(7).

¹³ K.A.R. 82-1-215(a).

C. This Order is procedural and constitutes non-final agency action.¹⁴ The parties have 15 days from the date this Order was electronically served to petition the Commission for reconsideration.¹⁵

D. 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.

Dated: 12/23/2013



Mark L. Sprecker
Prehearing Officer

MLS

¹⁴ K.S.A. 77-607(b)(2).

¹⁵ K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

DEC 23 2013

CERTIFICATE OF SERVICE

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I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Prehearing Officer's Order Setting Prehearing Conference was served by electronic mail this 23rd day of December, 2013, to the following parties who have waived receipt of follow-up hard copies:

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CERTIFICATE OF SERVICE

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Sheryl L. Sparks
Administrative Specialist

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