

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

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

In the Matter of the General Investigation)
to Examine Issues Surrounding Rate Design) Docket No. 16-GIME-403-GIE
for Distributed Generation Customers.)

**ORDER GRANTING PETITION TO INTERVENE OF
THE ALLIANCE FOR SOLAR CHOICE**

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:

I. Background

1. On March 11, 2016, Commission Staff (Staff) filed a Motion to Open Docket. Staff requested the Commission open a general investigation to examine various issues surrounding rate design for distributed generation ((DG) customers. In support of its motion, Staff attached an R&R dated March 10, 2016.¹

2. On March 24, 2016, Westar Energy, Inc. and Kansas Gas and Electric Company (collectively Westar), filed a Motion to Intervene and Response to Staff's Motion to Open Docket.²

3. On March 28, 2016, the Empire District Electric Company (Empire) filed its Petition to Intervene in the docket.³

¹ Staff Motion to Open Docket, Mar. 11, 2016, with attached Report and Recommendation, Mar. 10, 2016.

² Motion to Intervene and Response of Westar Energy, Inc. and Kansas Gas and Electric Company to Staff's Motion to Open Docket, Mar. 24, 2016.

³ Petition to Intervene of The Empire District Electric Company, Mar. 28, 2016.

4. Petitions to Intervene in this docket have been filed by Cromwell Environmental, Inc. (April 7, 2016); the Citizens' Utility Ratepayer Board (April 7, 2016); Sunflower Electric Corporation and Mid-Kansas Electric Company, LLC (April 11, 2016); and Brightergy, LLC (April 22, 2016). These Petitions to Intervene will be addressed by the Commission in separate orders.

5. On July 12, 2016, the Commission filed the Order Opening General Investigation in this docket to examine various issues surrounding rate structure for distributed generation customers. The Commission further ordered all Kansas electric public utilities subject to the Commission's jurisdiction over retail rates were made a party to this proceeding without the need for a motion seeking intervention.⁴

6. On April 11, 2016, the Alliance for Solar Choice (TASC) filed their Petition to Intervene in these proceedings. TASC stated that "[A]ny binding policy guidance on rate design for these customers that the Commission issues in this generic docket will directly and substantially impact TASC's members' ability to continue providing solar generation equipment and services to Kansans."⁵

7. There have been no objections to TASC's Petition to Intervene.

II. Legal Standard

8. The Commission must grant intervention if a petition is submitted in writing to all named parties at least three days before the hearing;⁶ the petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be

⁴ Order Opening General Investigation, Jul. 12, 2016.

⁵ The Alliance for Solar Choice's Petition to Intervene and Response to Staff's Motion to Open Docket, Apr. 11, 2016, ¶ 3.

⁶ K.S.A. 521(a)(1).

substantially affected by the proceeding;⁷ and the presiding officer determines that the interest of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.⁸ Furthermore, the Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, and if the intervention will not impair the orderly and prompt conduct of the proceedings.⁹ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.¹⁰

III. Findings and Conclusions

9. The Commission finds that TASC has adequately stated a legal interest that may be substantially affected by this proceeding. The Commission finds that TASC's participation will not impair the orderly and prompt conduct of the proceeding. Therefore, the Commission at this time will grant intervention to TASC in the interest of justice as the Commission desires to create a complete and thorough evidentiary record from which to make a decision.

10. The Commission concludes that TASC has met the requirements of K.S.A. 77-521 and should be granted intervention in this docket as provided herein. TASC will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered as follows:

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⁷ K.S.A. 77-521(a)(2).

⁸ K.S.A. 77-521(a)(3).

⁹ K.S.A. 77-521(b).

¹⁰ K.S.A. 77-521(c).

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THEREFORE, THE COMMISSION ORDERS:

- A. The Alliance for Solar Choice is granted intervention in this docket.
- B. The parties have 15 days from the date this Order was served electronically to petition for reconsideration.¹¹
- 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.

JUL 14 2016

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner.



Amy L. Green
Secretary to the Commission

SF/sc

EMAILED

JUL 14 2016

¹¹ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

16-GIME-403-GIE

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 JUL 14 2016.

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