

**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 Annual Filing of )  
Southern Pioneer Electric Company for )  
Approval to Make Certain Changes to Its )  
Charges for Electric Services, Pursuant to )  
the Debt Service Coverage Formula Based ) Docket No. 17-SPEE-476-TAR  
Ratemaking Plan Approved in Docket No. )  
13-MKEE-452-MIS and 34.5 kV Formula )  
Based Ratemaking Plan Approved in Docket )  
No.16-MKEE-023-TAR. )

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

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed its files and records, and being fully advised in the premises, the Commission makes the following findings and conclusions:

1. On April 26, 2017, Southern Pioneer Electric Company (Southern Pioneer) filed an Application to change its retail rates and wholesale Local Access Delivery Service (LADS) demand rate in its annual update of: (1) the Debt Service Coverage Formula Based Ratemaking Pilot Program (DSC-FBR) and (2) the 34.5 kV Formula Based Ratemaking Plan.<sup>1</sup>

2. On May 3, 2017, the Citizens' Utility Ratepayer Board (CURB) filed its Petition to Intervene and Motion for Protective Order and Discovery Order in this docket, citing its statutory authority to represent the interests of Kansas residential and small commercial ratepayers in any utility proceeding before the Commission and to function as an official intervenor in cases filed with the Commission pursuant to K.S.A. 66-1223 and K.S.A. 77-

---

<sup>1</sup> Application, p. 1 (Apr. 26, 2017).

521(a).<sup>2</sup> CURB requests intervention because the rates paid and the services received by Kansas residential and small commercial ratepayers may be substantially affected by any Commission order or activity in this proceeding.<sup>3</sup>

3. On May 2, 2017, the Commission issued its *Suspension, Protective and Discovery Order* in this docket, thereby rendering CURB's Motion for Protective Order and Discovery Order moot.

4. The Commission has broad discretion to grant intervention if it serves the interests of justice, if it will not impair the orderly and prompt conduct of the 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>4</sup> Furthermore, at any time during a proceeding, the Commission may limit an intervenor's participation.<sup>5</sup>

5. The Commission finds that CURB has met the requirements of K.S.A. 77-521 and K.A.R. 82-1-225 and should be granted intervention in this docket. CURB will be added to the service list. Service of electronic notices, pleadings, communications and correspondence should be delivered to counsel of record as follows:

David W. Nickel, Consumer Counsel  
Thomas J. Connors, Attorney  
Todd E. Love, Attorney  
Citizens' Utility Ratepayer Board  
1500 Arrowhead Road  
Topeka, KS 66604  
(785) 271-3200 (tel.)  
(785) 271-3116 (fax)  
d.nickel@curb.kansas.gov  
tj.connors@curb.kansas.gov  
t.love@curb.kansas.gov

---

<sup>2</sup> Petition to Intervene and Motion for Protective Order and Discovery Order, ¶¶ 3-4 (May 3, 2017).

<sup>3</sup> *Id.*, ¶¶ 5, 7.

<sup>4</sup> K.S.A. 77-521; K.A.R. 82-1-225.

<sup>5</sup> K.S.A. 77-521(c).

6. In addition to counsel of record for CURB listed above, service of electronic notices, pleadings and correspondence should be delivered to CURB's other designees:

Shonda Smith  
Office Manager  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[sd.smith@curb.kansas.gov](mailto:sd.smith@curb.kansas.gov)

Della Smith  
Administrative Specialist  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[d.smith@curb.kansas.gov](mailto:d.smith@curb.kansas.gov)

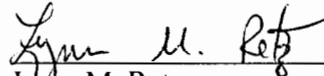
**THEREFORE, THE COMMISSION ORDERS:**

- A. The Citizens' Utility Ratepayer Board's Petition to Intervene is granted.
- B. The parties have fifteen (15) days from the date this Order was served by electronic mail in which to petition for reconsideration.<sup>6</sup>
- C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated:           **MAY 18 2017**          

  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

MJD

**EMAILED**

MAY 18 2017

---

<sup>6</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

17-SPEE-476-TAR

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 **MAY 18 2017**

THOMAS J. CONNORS, ATTORNEY AT LAW  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
tj.connors@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

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

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

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
m.duenes@kcc.ks.gov

JAKE FISHER, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
j.fisher@kcc.ks.gov

ANDREW FRENCH, SENIOR LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3314  
a.french@kcc.ks.gov

RANDY MAGNISON, EXEC VP & ASST CEO  
SOUTHERN PIONEER ELECTRIC COMPANY  
1850 W OKLAHOMA  
PO BOX 430  
ULYSSES, KS 67880-0430  
Fax: 620-356-4306  
rmagnison@pioneerelectric.coop

LINDSAY SHEPARD, EXECUTIVE VP - GENERAL  
COUNSEL  
SOUTHERN PIONEER ELECTRIC COMPANY  
1850 W OKLAHOMA  
PO BOX 430  
ULYSSES, KS 67880-0430  
Fax: 620-356-4306  
lshepard@pioneerelectric.coop

**CERTIFICATE OF SERVICE**

17-SPEE-476-TAR

AMY FELLOWS CLINE, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N ROCK RD STE 300  
WICHITA, KS 67226  
Fax: 316-630-8101  
amycline@twgfirm.com

TIMOTHY E. MCKEE, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N ROCK RD STE 300  
WICHITA, KS 67226  
Fax: 316-630-8101  
temckee@twgfirm.com

/s/ DeeAnn Shupe  
DeeAnn Shupe

---

***EMAILED***

MAY 18 2017