

**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 Joint Application of Mid-                      )  
Kansas Electric Company, LLC, Sunflower                      )  
Electric Power Corporation, Prairie Land                      ) Docket No. 18-MKEE-160-TAR  
Electric Cooperative, Inc., The Victory                      )  
Electric Cooperative Association, Inc.,                      )  
Western Cooperative Electric Association,                      )  
Inc., Wheatland Electric Cooperative, Inc. and                      )  
Southern Pioneer Electric Company for                      )  
Approval of a Local Access Tariff and Mid-                      )  
Kansas and Sunflower Open Access                      )  
Transmission Tariff.                      )

**ORDER TAKING NOTICE OF JOINT APPLICANTS' WITHDRAWAL OF  
APPLICATION WITHOUT PREJUDICE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the files and records, the Commission finds:

1. On October 11, 2017, Mid-Kansas Electric Company, LLC (Mid-Kansas), Sunflower Electric Power Corporation (Sunflower), Prairie Land Electric Cooperative, Inc. (Prairie Land), Pioneer Electric Cooperative, Inc. (Pioneer), the Victory Electric Cooperative Association, Inc. (Victory), Western Cooperative Electric Association, Inc. (Western), Wheatland Electric Cooperative, Inc. (Wheatland), and Southern Pioneer Electric Company (Southern Pioneer) (collectively Joint Applicants) filed a Joint Application for approval of a Local Access Tariff (LAT) and Mid-Kansas and Sunflower Open Access Transmission Tariffs (OATT).<sup>1</sup>

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<sup>1</sup> Joint Application for Approval of Local Access Tariff and Mid-Kansas and Sunflower Open Access Transmission Tariffs, Oct. 11, 2017.

2. On May 1, 2018, the Commission issued an Order Granting Joint Motion to Extend the Procedural Schedule to reflect an October 8, 2018 deadline for a Commission order.<sup>2</sup>

3. On September 13, 2018, Kansas Power Pool (KPP), Kansas Municipal Energy Agency (KMEA), and the City of Garden City filed a Joint Motion to Dismiss without Prejudice based on the Joint Applicants' failure to file a revised Mid-Kansas OATT or proposed extension/revision of the procedural schedule as promised.<sup>3</sup> As a result, Joint Applicants claim the October 8, 2018 deadline is not feasible and therefore, a dismissal with prejudice would allow the parties to: (1) determine what changes, if any, Joint Applicants intend to pursue with regard to the currently effective OATTs; (2) prepare and submit testimony necessary to support a revised tariff proposal, and (3) work out a revised procedural schedule that allows all parties and the Commission time to investigate any proposed changes to the OATT.<sup>4</sup>

4. On September 24, 2018, the Joint Applicants filed a Notice of Withdrawal of Application without Prejudice, agreeing with KPP, KMEA, and Garden City that there is not enough time to adequately review proposed changes to the Mid-Kansas OATT and Sunflower OATT.<sup>5</sup> Therefore, the Joint Applicants respectfully request the Commission take notice of the Joint Applicants' Notice of Withdrawal of Application Without Prejudice.<sup>6</sup>

5. The Commission takes notice of Joint Applicants' Notice of Withdrawal of Application without Prejudice and finds it appropriate to close this Docket.

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<sup>2</sup> Order Granting Joint Motion to Extend the Procedural Schedule, May 1, 2018, ¶ 5.

<sup>3</sup> Joint Motion to Dismiss Without Prejudice, Sept. 13, 2018, ¶ 10.

<sup>4</sup> *Id.*, ¶ 15.

<sup>5</sup> Notice of Withdrawal of Application without Prejudice, Sept. 24, 2018, ¶ 9.

<sup>6</sup> *Id.*, p. 4.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Joint Applicants' Notice of Withdrawal of Application without Prejudice is noted.

B. This Docket is closed.

C. 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).<sup>7</sup>

D. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner.

Dated: 10/02/2018



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Lynn M. Retz  
Secretary to the Commission

BGF/sb

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<sup>7</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

18-MKEE-160-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 10/02/2018.

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