

affect KMEA's member cities" and its "interests are not adequately represented by any other party."³

3. KMEA has stated facts demonstrating its legal rights or other interests may be substantially affected by the proceeding and that it qualifies as an intervenor pursuant to K.A.R. 82-1-225(c).

4. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention 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.⁴ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.⁵

5. The Commission finds and concludes that KMEA has met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this Docket. KMEA will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to counsel of record and the following individuals:

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³ *Id.*, ¶ 5.

⁴ K.S.A. 77-521; K.A.R. 82-1-225.

⁵ K.S.A. 77-521(c).

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6. On August 24, 2018, The City of Garden City, Kansas (Garden City) filed a Petition to Intervene, explaining it is “a non-profit, municipally owned electric and water utility organized under the law of the state of Kansas.”⁶ Garden City explained it “furnishes retail electricity service to its approximately 11,600 customers.”⁷ Garden City stated that since it “relies on transmission across Wheatland’s system, Garden City will be bound by any Commission Order or outcome” and its “interest in this proceeding are not represented by any other party.”⁸ Therefore, Garden City has stated facts demonstrating its legal rights or other interests may be substantially affected by the proceeding or that it qualifies as an intervenor under K.A.R. 82-1-225.

7. The Commission finds and concludes that Garden City has met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this Docket. Garden City will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to counsel of record and the following individuals:

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⁶ Petition of the City of Garden City, Kansas to Intervene, ¶ 1 (Aug. 24, 2018).

⁷ *Id.*, ¶ 1.

⁸ *Id.*, ¶¶ 5, 6.

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8. On August 16, 2018, Holly L. Fisher, an attorney licensed to practice in Kansas, filed a Motion for Admission *Pro Hac Vice* of James W. Bixby as Attorney for Intervenor ITC Great Plains, LLC, pursuant to Kansas Supreme Court Rule 116. The *Pro Hac Vice* Motion included the required Verified Application signed by Mr. Bixby.

9. The Verified Application for James W. Bixby states he is a licensed attorney in good standing in the State of Maryland, has never been subject to disciplinary proceedings of any kind, and lists his address as 601 Thirteenth Street, NW, Suite 7105, Washington, D.C., 20005.

10. The Commission finds Mr. Bixby has met the requirements of Supreme Court Rule 116 and shall be granted admission *pro hac vice* in this Docket. Mr. Bixby will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered as follows:

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11. On August 24, 2018, Randall D. Grisell, an attorney licensed to practice in Kansas, filed a Motion for Leave to Appear *Pro Hac Vice* of Gregg Ottinger, Ashley Bond, and Kenneth

Holmboe, pursuant to Kansas Supreme Court Rule 116. The *Pro Hac Vice* Motion included the required Verified Applications signed by Mr. Ottinger, Ms. Bond and Mr. Holmboe.

12. The Verified Application for Gregg Ottinger states he is a licensed attorney in good standing in the District of Columbia, has never been subject to disciplinary proceedings of any kind, and lists his residential address as 13503 W. 47th, Shawnee, KS 66212; and his business address as 1730 Rhode Island Ave, N.W., Suite 700, Washington, D.C., 20036.

13. The Verified Application for Ashley Bond states she is a licensed attorney in good standing in the Commonwealth of Virginia and the District of Columbia, has never been subject to disciplinary proceedings of any kind, and lists her residential address as 1116 N Tuckahoe Street, Falls Church, VA 22046; and her business address as 1730 Rhode Island Ave., N.W., Suite 700, Washington, D.C., 20036.

14. The Verified Application for Kenneth Holmboe states he is a licensed attorney in good standing in the Commonwealth of Virginia and the District of Columbia, has never been subject to disciplinary proceedings of any kind, and lists his residential address as 1935 Fisher Court, Falls Church, VA 22043; and his business address as 1730 Rhode Island Ave., N.W., Suite 700, Washington, D.C., 20036.

15. The Commission finds Mr. Ottinger, Ms. Bond and Mr. Holmboe have met the requirements of Supreme Court Rule 116 and shall be granted admission *pro hac vice* in this Docket. Mr. Ottinger, Ms. Bond and Mr. Holmboe will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered as follows:

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THEREFORE, THE COMMISSION ORDERS:


- A. KMEA's Petition to Intervene is granted.
- B. Garden City's Petition to Intervene is granted
- C. The Motion for Admission of James W. Bixby to appear *Pro Hac Vice* on behalf of KMEA is granted.
- D. The Motion for Admission of Gregg Ottinger, Ashley Bond, and Kenneth Holmboe to appear *Pro Hac Vice* on behalf of Garden City is granted.
- E. 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).⁹
- F. The Commission retains jurisdiction over the subject matter and the parties to enter further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 09/06/2018

BGF/sb



Lynn M. Retz
Secretary to the Commission

⁹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

19-SEPE-054-MER

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 09/06/2018.

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