

**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 Joint Application of Mid- )  
Kansas Electric Company, LLC, Lane-Scott )  
Electric Cooperative, Inc., Prairie Land Electric )  
Cooperative, Inc., Southern Pioneer Electric )  
Company, Victory Electric Cooperative )  
Association, Inc., Western Cooperative Electric )  
Association, Inc., and Wheatland Electric )  
Cooperative, Inc., Joint Applicants, for an )  
Order Approving the Transfer of Certificates of )  
Convenience With Respect to All of Mid- )  
Kansas' Retail Electric Services and for Other )  
Related Relief. )

Docket No. 13-MKEE-447-MIS

**PREHEARING OFFICER ORDER GRANTING INTERVENTION TO  
CITIZENS' UTILITY RATEPAYER BOARD**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. The Commission has designated Brian Fedotin, Advisory Counsel, to act as Prehearing Officer in this proceeding. Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On January 7, 2013, Mid-Kansas Electric Company, LLC, and its members, Prairie Land Electric Cooperative, Inc., Victory Electric Cooperative Association, Inc., Western Cooperative Electric Association, Inc., Lane-Scott Electric Cooperative, Inc., Wheatland Electric Cooperative, Inc., and Southern Pioneer Electric Company, filed an application with the Commission for an Order:

(i) approving the transfer of Mid-Kansas' Certificate(s) of Convenience and Necessity to its Members with respect to all of its local distribution system and retail electric utility services and operations in the State of Kansas, with Mid-Kansas retaining its certificate as to its generation and transmission assets and services, and its certificated right to provide transmission services in its currently designated retail certificated territory, and a

finding the transfers of the Certificate(s) are in the public interest and approving the same;

(ii) if required, approving a Wholesale Requirements Agreement;

(iii) approving adoption by the Members of all applicable retail rates, rules, and tariffs with respect to the local distribution and retail electric utility services necessary to operations;

(iv) approving the Shared Service Agreement, as supplemented, and, to the extent required, approving the Settlement Agreement, as supplemented;

(v) approving and finding that the terms of the wholesale services and rates provided by Kansas Electric Power Cooperative, Inc. ("KEPCo") for the Victory and Prairie Land load in the to be acquired territory be the same as the terms of the currently approved wholesale services and rates provided by Mid-Kansas, as may be modified by Mid-Kansas from time to time, and that the Commission make such finding and order prior to the transfer of the Certificates of Convenience to Victory and Prairie Land; provided further, should KEPCo elect in the future to set terms of wholesale service and rates for Victory and Prairie Land that differ from the approved Mid-Kansas wholesale terms of service and rates, ordering that the wholesale terms of service and rates can be modified only after approval by the Commission;

(vi) if required, approving the assignment of the Wholesale Requirements Agreement by and among Mid-Kansas, the Members, KEPCo and Sunflower Electric Power Corporation ("Sunflower"), as applicable;

(vii) determining the process necessary for the Member cooperatives to become or remain exempt from Commission regulation pursuant to K.S.A. 66-104d after the transfer of the Certificate of Convenience, and modifying the Commission's Order in Docket No. 06-MKEE-524-ACQ as necessary to reflect such determination; and,

(viii) for such other related relief that may be required to fulfill the intent and purposes of the joint application herein.

2. On January 16, 2013, the Citizens' Utility Ratepayer Board (CURB) filed a petition to intervene in this docket.<sup>1</sup> In its petition, CURB states the rates paid and the service received by certain customers will or may be affected by any Commission order or activity in this proceeding.<sup>2</sup>

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<sup>1</sup> Petition to Intervene, January 16, 2013 (Petition).

<sup>2</sup> Petition, ¶ 4.

3. 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 proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding.<sup>3</sup> At any time during a proceeding, the Commission may impose limitations on an intervener's participation.<sup>4</sup>

4. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and should be granted intervention. CURB will be added to the mailing list, service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

David Springe #15619  
Niki Christopher # 19311  
C. Steven Rarrick #13127  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
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(785) 271-3200  
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5. In addition to the counsel of record for CURB listed above, service of electronic notices, pleadings, and correspondence should be delivered to CURB's other designees:

Shonda Smith  
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<sup>3</sup> K.S.A. 77-521 (b); K.A.R. 82-1-225(b).

<sup>4</sup> K.S.A. 77-521 (c).


**WHEREFORE, THE PREHEARING OFFICER FINDS AND CONCLUDES AS  
FOLLOWS:**

A. The Citizens' Utility Ratepayer Board is granted intervention in the above captioned proceeding. Counsel of record for the petitioner, and its other designees, shall receive service of all pleadings in this matter, as set forth above.

B. Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

Dated: 1/17/13

  
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Brian G. Fedotin  
Prehearing Officer

BGF/mch

ORDER MAILED JAN 17 2013

**CERTIFICATE OF SERVICE**

**JAN 17 2013**

13-MKEE-447-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Prehearing Officer Order Granting Intervention to Citizens' Utility Ratepayer Board was placed in the United States mail, postage prepaid, or hand-delivered this 17th day of January, 2013, to the following:

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