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# THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Shari Feist Albrecht, Chain
	Thomas E. Wright
	Jay Scott Emler

In the Matter of the Application of Wheatland Electric Cooperative, Inc. for Approval to Make Certain Changes in Its Charges for Water Service to Tyson Fresh Meats, Inc.

Docket No. 14-WHLW-218-RTS

# **ORDER GRANTING SUNFLOWER'S PETITION TO INTERVENE**

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This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having reviewed the pleadings and record, the Commission finds and concludes as follows:

1. Wheatland Electric Cooperative, Inc. (Wheatland) filed separate applications with the Commission relating to water service rates for each of its four customers: Finney County Rural Water District No. 1;<sup>1</sup> the City of Garden City, Kansas (Garden City);<sup>2</sup> Sunflower Electric Power Corporation (Sunflower);<sup>3</sup> and Tyson Fresh Meats, Inc.<sup>4</sup> On December 3, 2013, the Commission consolidated Wheatland's dockets into Docket No. 14-WHLW-218-RTS.<sup>5</sup>

2. On January 21, 2014, Sunflower filed its Petition to Intervene, explaining its Holcomb Plant is an industrial water customer of Wheatland and it has entered into a 20-year contract to purchase water from Wheatland, which Wheatland is seeking to amend.<sup>6</sup>

3. The Commission has broad discretion to grant intervention if it is in the interest of justice, will not impair the orderly and prompt conduct of the proceedings, and if the party has

<sup>&</sup>lt;sup>1</sup> Application, Docket No. 14-WHLW-157-CON, Oct. 7, 2013.

<sup>&</sup>lt;sup>2</sup> Application, Docket No. 14-WHLW-176-CON, Oct. 15, 2013.

<sup>&</sup>lt;sup>3</sup> Application, Docket No. 14-WHLW-217-CON, Nov. 13, 2013.

<sup>&</sup>lt;sup>4</sup> Application, Docket No. 14-WHLW-218-RTS, Nov. 13, 2013.

<sup>&</sup>lt;sup>5</sup> Order Consolidating Dockets, Suspension Order, Dec. 3, 2013.

<sup>&</sup>lt;sup>6</sup> Petition to Intervene, Jan. 21, 2014, ¶ 3.

stated facts demonstrating its legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding.<sup>7</sup> Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.<sup>8</sup>

4. Pursuant to K.S.A. 77-521, the Commission grants Sunflower's Petition to Intervene. Sunflower will be added to the official service list. Service of pleadings, communications, and correspondence should be delivered to counsel of record as follows:

> Taylor Calcara Mark Calcara WATKINS CALCARA, CHTD. Suite 300, 1321 Main Street P.O. Drawer 1110 Great Bend, KS 67530 (620) 792-8231 Phone <u>mcalcara@wcrf.com</u> tcalcara@wcrf.com

5. In addition, copies of pleadings, documents, and correspondences in this docket should be sent to:

should be solit to.

James Brungardt Regulatory Affairs Administrator 301 West 13<sup>th</sup> Street P.O. Box 1020 Hays, KS 67601 (785) 623-6638 jbrungardt@sunflower.net Renee Braun Corporate Paralegal Supervisor 301 West 13<sup>th</sup> Street P.O. Box 1020 Hays, KS 67601 (785) 623-3302 rbraun@sunflower.net

# THEREFORE, THE COMMISSION ORDERS:

- A. Sunflower is granted intervention.
- B. The parties have 15 days from the date this Order was electronically served to

petition the Commission for reconsideration.<sup>9</sup>

<sup>&</sup>lt;sup>7</sup> K.S.A. 77-521; K.A.R. 82-1-225.

<sup>&</sup>lt;sup>8</sup> K.S.A. 77-521(c).

<sup>&</sup>lt;sup>9</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

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

# BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Wright, Commissioner; Emler, Commissioner

JAN 2 8 2014 Dated:

DER MAILED JAN 2 8 2014

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Kim Christiansen **Executive Director** 

BGF

### CERTIFICATE OF SERVICE

#### JAN 2 8 2014

#### 14-WHLW-218-RTS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order Granting Sunflower's Petition to Intervene was served by electronic mail this 28th day of January, 2014, to the following parties who have waived receipt of follow-up hard copies:

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# **CERTIFICATE OF SERVICE**

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Sheryl L. Sparks O Administrative Specialist

ORDER MAILED JAN 2 8 2014