

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners: Susan K. Duffy, Chair  
Shari Feist Albrecht  
Dwight D. Keen

In the Matter of the Southern Pioneer Electric )  
Company for Approval of the Continuation of ) Docket No. 19-SPEE-240-MIS  
its Debt Service Coverage and 34.5 kV )  
Formula Based Ratemaking Plans )

**ORDER GRANTING WESTERN KANSAS INDUSTRIAL ELECTRIC CONSUMERS’  
PETITION TO INTERVENE**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its pleadings and records and being duly advised in the premises, the Commission makes the following findings:

1. On December 9, 2019, Southern Pioneer Electric Company (“Southern Pioneer”) filed its Application seeking the continuation of a combined Debt Service Coverage (“DSC”) and 34.5 kV formula-based rate (“FBR”) plan.<sup>1</sup>

2. Southern Pioneer has proposed an DSC-FBR plan that includes, in part, the annual calculation and recovery of Southern Pioneer’s revenue requirement, based upon an established formula, to keep revenue at a level to achieve a pre-established DSC target ratio for services provided to all of its customers, including wholesale customers receiving Local Access Delivery Service (“LADS”) over Southern Pioneer’s 34.5 kV sub-transmission facilities.<sup>2</sup>

3. On February 11, 2020, Western Kansas Industrial Electric Consumers (“WKIEC”) filed a Petition to Intervene in this docket.<sup>3</sup>

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<sup>1</sup> Application of Southern Pioneer Electric Company (Southern Pioneer) (Dec. 9, 2019) (Application).

<sup>2</sup> *Id.* at 4.

<sup>3</sup> Western Kansas Industrial Electric Consumer’s Petition to Intervene (WKIEC) (Feb. 11, 2020) (Petition).

4. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention allows for the orderly and prompt conduct of the proceedings to continue unimpaired, and if the party seeking intervention has factually demonstrated that its legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding.<sup>4</sup>

5. WKIEC is a voluntary association of Western Kansas Industrial Electric Consumers that represents the interests of those consumers in a utility proceeding.<sup>5</sup> Air Products and Chemicals, Inc. is a member of WKIEC and a customer/member of Southern Pioneer.<sup>6</sup> Southern Pioneer is the distribution cooperative that provides Air Products and Chemicals, Inc. with electric service.<sup>7</sup> WKIEC, for and behalf of its individual member, Air Products and Chemicals, Inc. requests that it be allowed to intervene in this proceeding.<sup>8</sup>

6. No other group or party in the proceedings will protect the interests of Air Products and Chemicals, Inc., except for WKIEC.<sup>9</sup>

7. The Commission finds WKIEC has demonstrated an interest in this proceeding. Therefore, pursuant to K.S.A. 77-521, the Commission grants WKIEC's Petition to Intervene.

8. WKIEC will be added to the official service list. Service of pleadings, testimony, briefs, orders, correspondence, and other communications relating to this docket should be delivered to the following named individual:

Curtis M. Irby, #07274  
WKIEC Counsel  
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<sup>4</sup> K.S.A. 77-521; K.A.R. 82-1-225.

<sup>5</sup> Application at 1.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 2.

<sup>9</sup> *Id.*

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**THEREFORE, THE COMMISSION ORDERS:**

- A. WKIEC's Petition to Intervene is granted.
- B. 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>10</sup>
- C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders, as it may deem necessary.

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

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 02/20/2020



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Lynn M. Retz  
Executive Director

CRM

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<sup>10</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## CERTIFICATE OF SERVICE

19-SPEE-240-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 02/20/2020.

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