

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

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

In the Matter of the Application of Western      )  
Cooperative Electric Association, Inc.      )  
Seeking Commission Approval to Update its      )      Docket No. 19-WSTE-443-TAR  
Local Access Delivery Service Tariff      )  
Pursuant to the 34.5kV Formula Based Rate      )  
Plan Approved in Docket 16-MKEE-023-      )  
TAR.

**SUSPENSION ORDER**

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

**I. Background**

1.      On April 26, 2019, Western Cooperative Electric Association, Inc. (“Western”) filed with the Commission an Application requesting approval to update its Local Access Delivery Service (“LADS”) tariff.<sup>1</sup> The Application was filed pursuant to Western’s 34.5kV Formula Based Plan approved in Docket No. 16-MKEE-023-TAR.<sup>2</sup>

**II. Suspension Order**

2.      K.S.A. 66-117(c) states in part:

The commission shall not delay the effective date of the proposed change in rate, joint rate, toll, charge or classification or schedule of charges, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, more than 240 days beyond the date the public utility or common carrier filed its application requesting the proposed change. If the commission does not suspend the proposed schedule within 30 days of the date

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<sup>1</sup> Application for Western Cooperative Electric Association, Inc. (Apr. 26, 2019).

<sup>2</sup> Id.

proposed schedule shall be deemed approved by the commission and shall take effect on the proposed effective date.

3. A full investigation of the Application, which may result in a hearing, is deemed necessary and proper. Absent suspension, the Commission and its Staff are without sufficient time to fully review, consider, and analyze whether approval of the Application will result in just and reasonable rates.

4. The Commission finds and concludes that suspension of the effectiveness of the Application and deferral of its effective date are required to allow sufficient time for full investigation of this matter. The effectiveness of the Application is hereby suspended for a period of 240 days from the date it was filed, April 26, 2019, until Monday, December 23, 2019, pursuant to K.S.A. 66-117(c).<sup>3</sup> A Commission decision may be issued before such date. This Suspension Order does not alter the previously-approved 34.5kV Formula Based Rate Plan Protocol deadlines.<sup>4</sup>

**THEREFORE, THE COMMISSION ORDERS:**

A. Pursuant to K.S.A. 66-117(c), the Application in the above-captioned docket shall be suspended, and the effective date deferred, until December 23, 2019.

B. Electronic service shall be utilized for serving pleadings/motions and orders.

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>5</sup>

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

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<sup>3</sup> The 240-day time period ends Sunday, December 22, 2019. Pursuant to K.S.A. 77-503(c), the deadline is extended until the end of the next day which is not a Saturday, a Sunday, or a legal holiday, which is Monday, December 23, 2019.

<sup>4</sup> Docket No. 16-MKEE-023-TAR, Order Granting Petition for Clarification, Exhibit D, pp. 1-2 (Apr. 26, 2016).

<sup>5</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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

Keen, Chair; Albrecht, Commissioner

Dated: 05/07/2019



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Lynn M. Retz  
Secretary to the Commission

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## CERTIFICATE OF SERVICE

19-WSTE-443-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 05/07/2019.

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