

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Application of Western)
Cooperative Electric Association, Inc. Seeking)
Commission Approval to Update its Local) Docket No. 21-WSTE-404-TAR
Access Delivery Service Tariff Pursuant to the)
34.5kV Formula Based Rate Plan Approved in)
Docket No. 21-SEPE-049-TAR.)

**ORDER GRANTING INTERVENTION TO KANSAS MUNICIPAL ENERGY
AGENCY; ADMISSION OF HEATHER H. STARNES *PRO HAC VICE***

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its pleadings and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On April 28, 2021, Western Cooperative Electric Association, Inc. (Western) filed an application with the Commission seeking approval to update its Local Access Delivery Service (LADS) tariff. Western seeks to increase the LADS demand charge, assessed to wholesale users of its 34.5kV system, from \$0.96 per kW to \$1.68 per kW.

I. Intervention

2. On May 6, 2021, the Kansas Municipal Energy Agency (KMEA) filed a Petition to Intervene.¹ KMEA states it has member cities, specifically Hoisington, Lincoln, and Russell who are served by Western's facilities and those members, and their customers, will be affected by an Commission order or finding in this matter.²

¹ KMEA Petition to Intervene, (May. 6, 2021).

² *Id.*

3. The Commission shall grant intervention if the petition: (1) is submitted in writing to the presiding officer, with service on all parties named in the Commission's notice of hearing, at least three business days before the hearing; (2) states facts demonstrating the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.³ The Commission has discretion to grant intervention at any time where intervention is in the interests of justice and will not impair the orderly and prompt conduct of proceedings.⁴ At any time during a proceeding, the Commission may impose limitations on the intervenor's.

4. KMEA submitted its petition in writing, properly served it in accordance with K.S.A. 77-521(a)(1), and stated facts demonstrating its legal rights and interests may be substantially affected by this proceeding under K.S.A. 77-521(a)(2). The Commission finds that because KMEA has member cities who are served by Western Cooperative, its intervention will not impair the interests of justice, and KMEA's participation will not impede the orderly and prompt conduct of the proceedings in accordance with K.S.A. 77-521(a)(3). The Commission finds KMEA has met the requirements for intervention in K.S.A. 77-521 and K.A.R. 82-1-225, and therefore, is granted intervention and full participation in all aspects of this docket.

II. *Pro Hac Vice* Motion

5. On May 6, 2021, Terry M. Jarrett, an attorney in good standing and licensed to practice law in the State of Kansas, filed a Motion for Admission of Heather H. Starnes *Pro Hac Vice* as attorney on behalf of KMEA, under Kansas Supreme Court Rule 116. Mr. Jarrett states he

³ K.S.A. 77-521(a); K.A.R. 82-1-225(a).

⁴ K.S.A. 77-521(b); K.A.R. 82-1-225(b)

will sign all pleadings and other papers filed with the Commission and will be actively engaged in the case and present for all appearances, to the extent required by the Commission. The motion includes Ms. Starnes' verified application for admission *pro hac vice* required by Rule 116.

6. The Applicant, Heather H. Starnes, verifies she is in good standing and licensed to practice law in Missouri and in Arkansas. The Applicant is not currently, nor has she ever been, the subject of public discipline, including but not limited to suspension or disbarment, in any jurisdiction. The verified application lists Ms. Starnes' address as 12 Perdido Circle, Little Rock, AR 72211.

7. The Commission finds Ms. Starnes has met the requirements of Rule 116 and grants Ms. Starnes admission *pro hac vice* to appear on behalf of KMEA. KMEA and Ms. Starnes shall be added to the mailing list, with service of electronic notices, pleadings, testimony, orders, communications, and other documents directed to the following:

Terry M. Jarrett
Healy Law Offices, LLC
514 East High Street, Suite 22
Jefferson City, MO 65101
(573) 415-8379
terry@healylawoffices.com

Heather H. Starnes
Healy Law Offices, LLC
12 Perdido Circle
Little Rock, AR 72211
(501) 516-0041
heather@healylawoffices.com

Paul Mahlberg
General Manager
KMEA
6300 West 95th Street
Overland Park, KS 66212
(913) 660-0234
mahlberg@kmea.com

THEREFORE, THE COMMISSION ORDERS:

- A. KMEA is granted intervention.
- B. Heather H. Starnes is granted admission *pro hac vice* on behalf of KMEA.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 05/20/2021



Lynn M. Retz
Executive Director

PZA

CERTIFICATE OF SERVICE

21-WSTE-404-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 05/20/2021.

TERRY M. JARRETT, ATTORNEY AT LAW
HEALY LAW OFFICES, LLC
3010 E BATTLEFIELD
SUITE A
SPRINGFIELD, MO 65804
terry@healylawoffices.com

HEATHER H STARNES, ATTORNEY
HEALY LAW OFFICES, LLC
12 Perdido Circle
Little Rock, AR 72211
Fax: 501-664-9553
heather@healylawoffices.com

PHOENIX ANSHUTZ, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
p.anshutz@kcc.ks.gov

COLE BAILEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.bailey@kcc.ks.gov

SUSAN B. CUNNINGHAM, SVP, REGULATORY AND
GOVERNMENT AFFAIRS, GENERAL COUNSEL
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
Fax: 785-271-4888
scunningham@kepco.org

MARK DOLJAC, DIR RATES AND REGULATION
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
Fax: 785-271-4888
mdoljac@kepco.org

REBECCA FOWLER, MANAGER, REGULATORY AFFAIRS
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
Fax: 785-271-4888
rfowler@kepco.org

PAUL MAHLBERG, GENERAL MANAGER
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
Fax: 913-677-0804
mahlberg@kmea.com

MARK CHESNEY, CEO & GENERAL MANAGER
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
Fax: 888-431-4943
mchesney@kansaspowerpool.org

JAMES GING, DIRECTOR ENGINEERING SERVICES
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
Fax: 888-431-4943
jging@kansaspowerpool.org

CERTIFICATE OF SERVICE

21-WSTE-404-TAR

LARRY HOLLOWAY, ASST GEN MGR OPERATIONS
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
Fax: 888-431-4943
lholloway@kansaspowerpool.org

KIMBERLYN J. GILCHRIST, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
Fax: 316-630-8101
kjgilchrist@twgfirm.com

TAYLOR P. CALCARA, ATTORNEY
WATKINS CALCARA CHTD.
1321 MAIN ST STE 300
PO DRAWER 1110
GREAT BEND, KS 67530
Fax: 620-792-2775
tcalcara@wcrf.com

STACEY MALSAM, ASSISTANT GENERAL MANAGER
WESTERN COOPERATIVE ELECTRIC ASSN., INC.
635 S 13TH ST
PO BOX 278
WAKEENEY, KS 67672-0278
Fax: 785-743-2717
staceym@westerncoop.com

THOMAS RUTH, GENERAL MANAGER
WESTERN COOPERATIVE ELECTRIC ASSN., INC.
635 S 13TH ST
PO BOX 278
WAKEENEY, KS 67672-0278
Fax: 785-743-2717
tomr@westerncoop.com

/S/ DeeAnn Shupe

DeeAnn Shupe