

<sup>3</sup> Petition, ¶ 2.

expressed its interest “in reviewing the numerous revenue requirement, rate design, tariff, and policy changes that the KCC may consider in this docket.”<sup>4</sup> Sierra Club also claimed to have unique “interests in promoting clean, low-cost energy resources,” and to be “uniquely situated to represent the interests of its members in this proceeding as a result of its expertise and experience in energy policy and law, and regulations that affect the market for energy generation.”<sup>5</sup>

4. Sierra Club stated that its intervention will promote “the interests of justice and will not impair the orderly and prompt conduct of the proceedings.”<sup>6</sup> Sierra Club asked for full intervention and participation.<sup>7</sup>

### **Legal Standards**

5. The Commission shall grant intervention if the petition: (1) is submitted in writing; (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.<sup>8</sup> 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 the proceedings.<sup>9</sup> At any time during a proceeding, the Commission may impose limitations on an intervenor’s participation, which may include limiting an intervenor’s participation to designated issues in which the intervenor has a particular interest demonstrated by the petition, limiting intervenor discovery, cross-examination

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<sup>4</sup> Petition, ¶ 4.

<sup>5</sup> Petition, ¶ 5.

<sup>6</sup> Petition, ¶ 6.

<sup>7</sup> Petition, ¶ 7.

<sup>8</sup> K.S.A. 77-521(a); K.A.R. 82-1-225(a).

<sup>9</sup> K.S.A. 77-521(b); K.A.R. 82-1-225(b).

and other procedures, and requiring intervenors to consolidate their participation in the proceedings.<sup>10</sup>

### **Findings and Conclusions**

6. Sierra Club submitted its intervention petition in writing and properly served it, pursuant to K.S.A. 77-521(a)(1).

7. The Commission finds that Sierra Club's stated desire to provide ostensibly unique legal, technical, and economic information in the development of the record, as well as its allegedly unique interests in promoting clean, low-cost energy resources, do not amount to facts demonstrating that Sierra Club's *legal* rights, duties, privileges, immunities or other legal interests may be substantially affected by this proceeding, pursuant to K.S.A. 77-521(a)(2). However, no parties have objected to Sierra Club's requested intervention, and at this point in the proceedings, the Commission finds nothing contradicting Sierra Club's claim that its intervention will "serve the interests of justice and will not impair the orderly and prompt conduct of the proceedings."<sup>11</sup> Thus, the Commission finds that Sierra Club has met the requirements of K.S.A. 77-521 and K.A.R. 82-1-225 and should be granted intervention without limitation and full participation in all aspects of this docket.

8. Sierra Club will be added to the mailing list. Service of electronic notices, pleadings, testimony, orders, communications, and other documents should be directed to the following:

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<sup>10</sup> K.S.A. 77-521(c); K.A.R. 82-1-225(c).

<sup>11</sup> Petition, ¶ 6.

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**THEREFORE, THE COMMISSION ORDERS:**

- A. Sierra Club is granted intervention.
- B. The parties have fifteen (15) days from the date this Order was served by electronic mail in which to petition for reconsideration.<sup>12</sup>
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 05/03/2018



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Lynn M. Retz  
Secretary to the Commission

MJD

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<sup>12</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

## CERTIFICATE OF SERVICE

18-WSEE-328-RTS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 05/03/2018.

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