

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of a General Investigation to)
Determine the Commission's Jurisdiction over) Docket No. 18-GIME-217-GIE
Municipal Energy Agencies.)

**PETITION TO INTERVENE, ENTRY OF APPEARANCE
AND MOTION TO FILE OUT OF TIME**

The Empire District Electric Company ("Empire") moves the State Corporation Commission of the State of Kansas ("Commission") to file out of time for an order permitting it to intervene in the above-captioned matter pursuant to K.S.A. 77-521 and K.A.R. 82-1-225. In support thereof, Empire states as follows:

1. On November 28, 2017, the Commission opened the above-captioned docket. Pursuant to the Order, the general investigation into the extent of the Commission's jurisdiction over municipal energy agencies will focus on:

- a) Do the MEAs' enumerated powers under K.S.A. 12-895 fall outside the scope of the Commission's jurisdictional authority under K.S.A. 12-8,111?
- b) Does K.S.A. 12-855, *et seq.* limit the Commission's jurisdiction over MEAs?
- c) Other than for purposes of certification under K. S .A. 66-131, is the Commission's authority to regulate MEAs the same as its authority to regulate public utilities, including actions taken by MEAs pursuant the MEA Act?; and
- d) List the areas of operation where the Commission lacks authority or jurisdiction to regulate an MEA as if it were a public utility. State the legal authority denying the Commission's authority or jurisdiction.

2. Empire is a corporation duly organized and existing under the laws of the State of Kansas and is engaged in doing business in said state. Empire is a holder of a Certificate from the Commission to conduct the business of an electric utility in Kansas. Empire provides wholesale service to a member of a municipal energy agency, i.e., the City of Chetopa, Kansas, and therefore,

any policy or jurisdictional issues decided in this general investigation regarding municipal energy agencies could have an impact on Empire.

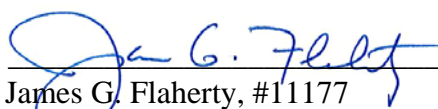
3. Empire respectfully moves to intervene in the captioned proceeding.

4. James G. Flaherty of Anderson & Byrd, LLP, hereby enters his appearance as counsel on behalf of The Empire District Electric Company pursuant to paragraph C of the Order. All service, pleadings, testimony, briefs and orders for the above-captioned case should be directed to the undersigned and to the following:

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WHEREFORE, Empire respectfully requests the Commission grant it leave to file out of time and issue an order allowing it to intervene and participate in this docket, including but not limited to the right to conduct discovery, file pleadings and testimony, present oral argument, and fully participate in any scheduled hearings, and for such further and other relief as may be appropriate.



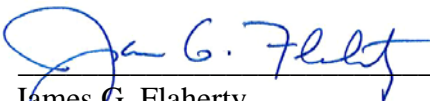
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Attorneys for The Empire District Electric Company

VERIFICATION

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being first duly sworn on oath, states that he is attorney for The Empire District Electric Company; that he has read the above and foregoing Petition to Intervene, Entry of Appearance and Motion to File Out of Time, and the statements contained therein are true.



James G. Flaherty

SUBSCRIBED AND SWORN to before me this 6th day of December, 2017.





Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via U.S. Mail, postage prepaid, hand-delivery, or electronically, this 6th day of December, 2017, addressed to:

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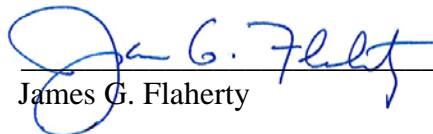
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