

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

Before Commissioners: Jay Scott Emler, Chairman  
Shari Feist Albrecht  
Pat Apple

In the Matter of the General Investigation )  
to Examine Issues Surrounding Rate Design ) Docket No. 16-GIME-403-GIE  
for Distributed Generation Customers. )

**ORDER GRANTING PETITION TO INTERVENE OF  
CROMWELL ENVIRONMENTAL, INC.**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

**I. Background**

1. On March 11, 2016, Commission Staff (Staff) filed a Motion to Open Docket. Staff requested the Commission open a general investigation to examine various issues surrounding rate design for distributed generation ((DG) customers. In support of its motion, Staff attached an R&R dated March 10, 2016.<sup>1</sup>

2. On March 24, 2016, Westar Energy, Inc. and Kansas Gas and Electric Company (collectively Westar), filed a Motion to Intervene and Response to Staff's Motion to Open Docket.<sup>2</sup>

3. On March 28, 2016, the Empire District Electric Company (Empire) filed its Petition to Intervene in the docket.<sup>3</sup>

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<sup>1</sup> Staff Motion to Open Docket, Mar. 11, 2016, with attached Report and Recommendation, Mar. 10, 2016.

<sup>2</sup> Motion to Intervene and Response of Westar Energy, Inc. and Kansas Gas and Electric Company to Staff's Motion to Open Docket, Mar. 24, 2016.

<sup>3</sup> Petition to Intervene of The Empire District Electric Company, Mar. 28, 2016.

4. Petitions to Intervene in this docket have been filed by the Citizens' Utility Ratepayer Board (April 7, 2016); Sunflower Electric Corporation and Mid-Kansas Electric Company, LLC (April 11, 2016); the Alliance for Solar Choice (April 11, 2016); and Brightergy, LLC (April 22, 2016). These Petitions to Intervene will be addressed by the Commission in separate orders.

5. On July 12, 2016, the Commission filed the Order Opening General Investigation in this docket to examine various issues surrounding rate structure for distributed generation customers. The Commission further ordered all Kansas electric public utilities subject to the Commission's jurisdiction over retail rates were made a party to this proceeding without the need for a motion seeking intervention.<sup>4</sup>

6. On April 7, 2016, a Petition to Intervene of Cromwell Environmental, Inc., and Reply to Petition to Intervene and Response of Westar Energy, Inc., et al. was filed in this docket. Cromwell Environmental, Inc. (CEI) stated that it is involved in the business of design and installation of commercial and residential roof top solar systems within the service territory of Westar.<sup>5</sup> CEI further expressed that it has a substantial interest in the proceedings as it involves appropriate rate design for solar and other distributed generation customers.<sup>6</sup>

7. CEI stated it has unique and substantial interests in this proceeding which cannot be represented by any other entity.<sup>7</sup>

8. There have been no objections to CEI's Petition to Intervene.

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<sup>4</sup> Order Opening General Investigation, Jul. 12, 2016.

<sup>5</sup> Petition to Intervene of Cromwell Environmental, Inc., and Reply to Petition to Intervene and Response of Westar Energy, Inc., et al., Apr. 7, 2016, ¶ 2.

<sup>6</sup> Id., at ¶ 4.

<sup>7</sup> Id. at ¶ 5.

## **II. Legal Standard**

9. The Commission must grant intervention if a petition is submitted in writing to all named parties at least three days before the hearing;<sup>8</sup> the petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding;<sup>9</sup> and the presiding officer determines that the interest of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.<sup>10</sup> Furthermore, the Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, and if the intervention will not impair the orderly and prompt conduct of the proceedings.<sup>11</sup> Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.<sup>12</sup>

## **III. Findings and Conclusions**

10. The Commission finds that CEI adequately stated a legal interest that may be substantially affected by this proceeding. The Commission finds that CEI's participation will not impair the orderly and prompt conduct of the proceeding. Therefore, the Commission at this time will grant intervention to CEI in the interest of justice as the Commission desires to create a complete and thorough evidentiary record from which to make a decision.

11. The Commission concludes that CEI has met the requirements of K.S.A. 77-521 and should be granted intervention in this docket as provided herein. CEI will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered as follows:

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<sup>8</sup> K.S.A. 521(a)(1).

<sup>9</sup> K.S.A. 77-521(a)(2).

<sup>10</sup> K.S.A. 77-521(a)(3).

<sup>11</sup> K.S.A. 77-521(b).

<sup>12</sup> K.S.A. 77-521(c).

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**THEREFORE, THE COMMISSION ORDERS:**

- A. Cromwell Environmental, Inc. is granted intervention in this docket.
- B. The parties have 15 days from the date this Order was served electronically to petition for reconsideration.<sup>13</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.**

**JUL 14 2016**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner.

  
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Amy L. Green  
Secretary to the Commission

SF/sc

**EMAILED**

**JUL 14 2016**

<sup>13</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

## CERTIFICATE OF SERVICE

16-GIME-403-GIE

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 JUL 14 2016.

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/S/ DeeAnn Shupe  
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***EMAILED***

JUL 14 2016