

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

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

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

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

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

1.       On April 26, 2019, Western Cooperative Electric Association, Inc. (Western) filed an Application requesting approval to update its Local Access Delivery Service (LADS) tariff.<sup>1</sup>

**I. Intervention**

2.       On May 30, 2019, the Kansas Municipal Energy Agency (KMEA) petitioned to intervene.<sup>2</sup>

3.       KMEA stated that it has member cities who are served by Western's facilities.<sup>3</sup> KMEA further stated its members and their customers will be bound by any Commission order or activity in this proceeding, and no other party can adequately represent its interests.<sup>4</sup>

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

<sup>2</sup> KMEA, Petition to Intervene, p. 2 (May 30, 2019).

<sup>3</sup> *Id.*, ¶ 3.

<sup>4</sup> *Id.*, ¶¶ 3-4.

4. 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.<sup>5</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 proceedings.<sup>6</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 and other procedures, and requiring intervenors to consolidate their participation in the proceedings.<sup>7</sup>

5. KMEA submitted its Petition to Intervene 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, its intervention will not impair the interests of justice, nor will its participation impede the orderly and prompt conduct of the proceedings, in accordance with K.S.A. 77-521(a)(3). Thus, the Commission finds that KMEA has met the requirements for intervention in K.S.A. 77-521 and K.A.R. 82-1-225, and therefore, should be granted intervention and full participation in all aspects of this docket.

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<sup>5</sup> K.S.A. 77-521(a); K.A.R. 82-1-225(a).

<sup>6</sup> K.S.A. 77-521(b); K.A.R. 82-1-225(b)

<sup>7</sup> K.S.A. 77-521(c); K.A.R. 82-1-225(c).

## II. *Pro Hac Vice* Motion

6. On May 30, 2019, 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 Starnes *Pro Hac Vice* as attorney on behalf of KMEA, under Kansas Supreme Court Rule 116.<sup>8</sup> Mr. Jarrett stated he 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.<sup>9</sup> The Motion included Ms. Starnes' Verified Application required by Rule 116.

7. The Applicant, Heather Starnes, verified she is in good standing and licensed to practice law in Missouri and 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.<sup>10</sup>

8. The Commission finds Ms. Starnes has met the requirements of Supreme Court Rule 116 and shall be granted 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  
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<sup>8</sup> Motion for Admission of Heather H. Starnes *Pro Hac Vice*, p. 1 (May 30, 2019).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at p. 2.

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**THEREFORE, THE COMMISSION ORDERS:**

- A. KMEA is granted intervention.
- B. Heather Starnes is granted admission *pro hac vice* on behalf of KMEA.
- 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>11</sup>
- D. 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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 06/11/2019



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Lynn M. Retz  
Secretary to the Commission

MJD/sc

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<sup>11</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **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 06/11/2019.

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/S/ DeeAnn Shupe  
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