

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

In the Matter of a General Investigation Regarding)
the Possible Implementation of a separate School-) Docket No.: 19-GIME-504-GIE
only Tariff in Kansas City Power & Light's service)
territory.)

**KANSAS CITY POWER & LIGHT COMPANY'S
OBJECTION TO THE PETITION TO INTERVENE
OF UNIFIED SCHOOL DISTRICT 259**

Kansas City Power & Light Company ("KCP&L" or the "Company") hereby objects to the petition to intervene of Unified School District #259 Sedgwick County, Kansas ("USD 259") filed with the State Corporation Commission of the State of Kansas ("Commission" or "KCC") on July 31, 2019 ("Petition to Intervene").

1. In Docket No. 18-KCPE-480-RTS ("18-480 Docket")¹, the parties submitted a settlement agreement to the Commission on October 15, 2018, resolving all issues in KCP&L's rate case ("18-480 S&A"). Olathe USD 233, JCCC, Spring Hill USD 230, and Blue Valley USD 229 are schools located in KCP&L's service territory and were interveners in the 18-480 Docket (referred to herein as "the 18-480 Schools"). The 18-480 S&A included a provision stating that the Commission should initiate a general investigative docket to evaluate whether KCP&L should implement one or more school tariffs and how such a tariff(s) should be designed and implemented.

2. On December 13, 2018, the Commission issued an Order approving the settlement agreement in its entirety ("18-480 Order"). Consistent with the 18-480 Order, the Commission opened this generic investigation on June 27, 2019 ("Order").

¹ *In the Matter of the Application of Kansas City Power & Light Company to Make Certain Changes in Its Charges for Electric Service.*

3. In its Petition to Intervene, USD 259 recognizes that its facilities take electric service from Westar and one other utility and that none are customers of KCP&L.² In the Westar territories, USD 259 facilities have access to a schools tariff offered by Westar.³ USD 259 represents that its interest in this case is based on its belief that, since KCP&L and Westar have merged, “the establishment of a separate school tariff for the KCP&L territory could well have a future impact on the school tariff currently in place for the Westar territory from which USD 259 takes its service.”⁴

4. K.A.R. 82-1-225 provides that a petition for intervention shall be granted if three conditions are met:

- (1) the petition is submitted in writing and provided to parties at least three days before hearing;
- (2) 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 or that the petitioner qualifies as an intervener 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.

5. KCP&L objects to USD 259’s Petition because it fails to demonstrate a legal right, duty, privilege, immunity or legal interest that may be substantially affected by the proceeding, as required by K.A.R. 82-1-225(a)(2). USD 259 (1) is not a customer of KCP&L and does not have any facilities located in KCP&L’s certificated territory in Kansas; (2) this is not a statewide generic

² Petition to Intervene, p.1, ¶3.

³ *Id.*

⁴ Petition to Intervene, p. 1, ¶4.

investigation, but only involves KCP&L's service, data and the schools located in KCP&L's territory who are ratepayers of KCP&L; and (3) the order in this docket will not impact USD 259. Additionally, the orderly and prompt conduct of this proceeding will be impaired by granting intervenor status to schools that are not located in KCP&L's service territory and are not customers of KCP&L. As such, USD 259's Petition to Intervene does not meet the requirement of K.A.R. 82-1-225(a)(3).

6. USD 259 speculates that the study proposed to be done in this docket by KCP&L "could impact the rates and how the class service is determined with respect to USD 259's service in current Westar territory", because KCP&L and Westar may begin doing business in the future as one service territory.⁵ Speculation as to future events not contemplated in this docket cannot support a claim of "substantial interest" under the Commission's regulation.

7. The USD 259 schools are Westar's customers and Westar has a school tariff available to them. Westar's school tariff cannot be changed unless Westar files an application with the Commission to make changes, and USD 259 can intervene and be involved in that proceeding if it happens. Similarly, Westar and KCP&L cannot begin doing business as one service territory without first obtaining Commission approval. If such an application were filed, USD 259 can intervene in that docket to protect its interests.

8. The present docket has been intentionally limited in scope to address only the questions arising out of the 18-480 Docket, which are whether data specific to schools in KCP&L's territory indicates KCP&L should implement one or more school tariffs and, if so, how it should be designed and implemented in KCP&L's territory. This is not a state-wide generic investigation studying the existing school tariffs of other utility companies, the circumstances surrounding their

⁵ Petition to Intervene, p. 2, ¶7.

adoption, or whether characteristics of schools outside KCP&L territories justify school tariffs. Allowing intervention by schools that are not KCP&L's customers would eliminate the boundaries set for this investigation and would unavoidably result in the docket becoming unwieldy and much more expansive and costly. It would change the focus of this docket, most likely to the detriment of existing parties.

WHEREFORE, KCP&L respectfully requests the Commission deny USD 259's Petition to Intervene for the reasons set forth herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record, as detailed below, this 6th day of August 2019.

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