

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

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

In the Matter of the Complaint of Southern)
Pioneer Electric Company Against the)
Kansas Power Pool Regarding Bypass and) Docket No. 17-KPPE-092-COM
Duplication of Service for 34.5kV Delivery)
to the City of Kingman.)

ORDER ADOPTING REVISED PROCEDURAL SCHEDULE

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:

1. On September 9, 2016, Southern Pioneer Electric Company (Southern Pioneer) filed a Formal Complaint against the Kansas Power Pool (KPP). Southern Pioneer alleged that KPP is attempting to by-pass Southern Pioneer's facilities contrary to the public interest, and that such by-pass will create duplication of facilities and will unduly burden the customers of Southern Pioneer by raising their rates.¹

2. On September 27, 2016, the Commission issued an Order Designating Prehearing Officer, and Protective and Discovery Orders.² Southern Pioneer filed a Petition for Reconsideration of Discovery Order on October 12, 2016, requesting clarification regarding time computation on discovery-related issues.³ The Commission amended its Order on November 10, 2016.⁴

¹ Complaint of Southern Pioneer Electric Company Against the Kansas Power Pool, Sep. 9, 2016, p. 1.

² Order Designating Prehearing Officer, and Protective and Discovery Order, Sep. 27, 2016.

³ Petition for Reconsideration of Southern Pioneer, Oct. 12, 2016.

⁴ Order Granting Petition for Reconsideration of Southern Pioneer, Nov. 10, 2016.

3. On October 4, 2017, the Prehearing Officer entered an order amending the procedural schedule to allow KPP, Southern Pioneer, and Mid-Kansas additional time to file briefs on jurisdictional issues.⁵

4. On November, 28, 2017, a General Investigation was opened to determine the Commission's jurisdiction over municipal energy agencies. The order opening the 18-GIME-217-GIE Docket set an order due date of January 8, 2018 for an order on Commission jurisdiction over municipal energy agencies.⁶

5. On January 12, 2018, Staff filed a Motion to Vacate Amended Procedural Schedule and Request for Scheduling Conference.⁷ Staff stated the parties have been unable to reach a mutually satisfactory agreement on an amended procedural schedule and requested the Commission issue an order vacating the procedural schedule as proposed by the parties.⁸ No parties filed an objection to Staff's Motion.

6. On January 25, 2018, the Commission issued an Order Vacating the Amended Procedural Schedule and directing the parties to attend a Scheduling Conference on January 31, 2018.

7. At the January 31, 2018 Scheduling Conference, the parties proposed the following procedural schedule, which the Commission hereby adopts:

DATE	TIME	DESCRIPTION
(Friday) March 30, 2018	5:00 pm	Staff's Report and Recommendation ⁹
(Wednesday) April 11, 2018	10:00 am	Prehearing Conference, KCC Office, 1500 SW Arrowhead Rd., 3 rd Floor Hearing Room, Topeka, KS

⁵ Prehearing Officer Order Amending Procedural Schedule (Oct. 4, 2017).

⁶ Order Opening Investigation ¶ 5 (Nov. 28, 2017).

⁷ Motion to Vacate Amended Procedural Schedule and Request for Scheduling Conference (Jan. 12, 2018).

⁸ *Id.*, ¶ 20.

⁹ Staff has also agreed to include with its Report and Recommendation its work papers and to a seven (7) day data response deadline.

DATE	TIME	DESCRIPTION
(Monday-Tuesday) April 16, 2018 April 17, 2018	9:00 am TBA	Evidentiary Hearing, KCC Office, 1500 SW Arrowhead Rd., 1 st Floor Hearing Room, Topeka, KS
(Wednesday) May 23, 2018	5:00 pm	Simultaneous Briefing by the Parties
(Wednesday) May 30, 2018	5:00 pm	Simultaneous Reply Briefing by the Parties
(Thursday) June 28, 2018		Order due date

8. An Evidentiary Hearing, with the Commission presiding, will begin on Monday, April 16, 2018, beginning at 9:00 a.m., in the Commission's First Floor Hearing Room, 1500 S.W. Arrowhead Road, Topeka, Kansas, and continue on Tuesday, April 17, 2018. Any party who fails to attend or participate in the hearing or in any other stage of this proceeding may be held in default under the KAPA.¹⁰

THEREFORE, THE COMMISSION ORDERS:

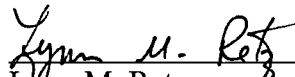
- A. The Commission adopts the procedural schedule outlined in paragraph 7.
- B. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.¹¹
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: FEB 08 2018

SF


Lynn M. Retz
Secretary to the Commission

EMAILED

¹⁰ K.S.A. 77-518(c)(8); K.S.A. 77-520.

¹¹ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

FEB 08 2018

CERTIFICATE OF SERVICE

17-KPPE-092-COM

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

FEB 08 2018

Electronic Service on _____.

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