

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of Kansas)
Power Pool for a Certificate of Convenience)
and Authority to Transact the Business of an)
Electric Public Utility in the State of Kansas) Docket No. 18-KPPE-343-COC
for Transmission Rights Only in Cross Service)
Territory of Southern Pioneer Electric)
Company and Ninnescah Rural Electric)
Company.)

ORDER GRANTING INTERVENTION

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the files and records, and being duly advised, the Commission finds and concludes the following:

I. CONDENSED BACKGROUND

1. On February 9, 2018, the Kansas Power Pool (KPP) filed its Application in the instant matter seeking Commission approval of a Transmission Rights Only (TRO) certificate for a project contemplated to be built in the retail service territory of Southern Pioneer Electric Company (Southern Pioneer).¹ At the time KPP filed its Application, the project was the subject of a Complaint initiated by Southern Pioneer against KPP in Docket No. 17-KPPE-092-COM (17-092 Docket).

2. On March 30, 2018, in the 17-092 Docket, Staff filed its Report and Recommendation (R&R), recommending in part the 17-092 Docket's Complaint be dismissed and Southern Pioneer seek intervention in the instant proceeding for the purposes of

¹ See Application (Feb. 9, 2018).

demonstrating the economics of Southern Pioneer's solution to the Kingman constraints as compared to KPP's economic analysis on its proposed project.²

3. On April 12, 2018, Southern Pioneer, Mid-Kansas Electric Company, Inc. (Mid-Kansas), and Commission Staff (Joint Movants) filed a Joint Motion to Dismiss Southern Pioneer's Complaint (Joint Motion), stating Staff's recommendation Southern Pioneer intervene in the instant proceeding would lead to a more efficient, stream-lined process to the benefit of all parties.³ The Joint Movants explained the instant proceeding would be prospective in nature and more narrowly focused on economic analysis than the 17-092 Docket.⁴ KPP responded to this Joint Motion,⁵ to which Staff and Southern Pioneer/Mid-Kansas also replied.⁶ The Commission granted the Joint Motion to dismiss Southern Pioneer's Complaint without prejudice.⁷

II. INTERVENTION

4. On May 10, 2018, Mid-Kansas filed its Petition for Intervention in the instant proceeding.⁸ Mid-Kansas states it was a party to the 17-092 Docket and Mid-Kansas' interests may be substantially affected by this proceeding. Specifically, Mid-Kansas states the proposed project would connect to Mid-Kansas' bulk electric system and is within Mid-Kansas' Southwest Power Pool, Inc. transmission zone.⁹ As a result, Mid-Kansas details how its members may become responsible for costs associated with the proposed project.¹⁰ For this reason, Mid-Kansas

² See Staff's Report and Recommendation, Docket No. 17-KPPE-092-COM, pp. 8-9 (Mar. 30, 2018).

³ Joint Motion to Dismiss Complaint, Docket No. 17-KPPE-092-COM, ¶5 (Apr. 12, 2018).

⁴ See *id.* at ¶ 13.

⁵ Kansas Power Pool's Response to Joint Motion to Dismiss Complaint, Docket No. 17-KPPE-092-COM (Apr. 13, 2018).

⁶ Staff's Response to KPP's Dismissal Conditions, Docket No. 17-KPPE-092-COM (Apr. 16, 2018); See also Reply of Southern Pioneer Electric Company and Mid-Kansas Electric Company, Inc. to KPP Response to Joint Motion to Dismiss Complaint, Docket No. 17-KPPE-092-COM (Apr. 16, 2018).

⁷ Order Granting Joint Motion to Dismiss Complaint Without Prejudice, Docket No. 17-KPPE-092-COM, p. 4. (May 1, 2018).

⁸ Mid-Kansas Electric Company, Inc. Petition to Intervene (May 10, 2018).

⁹ See *id.* at p. 2.

¹⁰ See *id.*

states it and its members will be bound by the Commission's decision in this proceeding and may be adversely affected by the outcome.¹¹ Accordingly, Mid-Kansas states its "legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by this proceeding and no other party can properly represent them."¹²

5. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties, and privileges, immunities, or other legal interests may be substantially affected by the proceeding.¹³

6. The Commission finds Mid-Kansas has demonstrated an interest in this proceeding. The Commission finds Mid-Kansas' open access transmission obligations may be substantially affected by this proceeding. The Commission also finds it endorsed granting Mid-Kansas' intervention in the instant proceeding by granting the Joint Motion in the 17-092 Docket and the interest of justice require granting Mid-Kansas intervention in this proceeding. Additionally, the Commission finds granting Mid-Kansas intervention in this matter will not impair the orderly and prompt conduct of the proceedings. Therefore, pursuant to K.S.A. 77-521, the Commission grants Mid-Kansas' Petition for Intervention.

7. Mid-Kansas will be added to the official service list. Service of pleadings, communications, and correspondence should be delivered to counsel of record and Mid-Kansas' other designees, as follows:

¹¹ *See id.*

¹² *Id.*

¹³ K.S.A. 77-521; K.A.R. 82-1-225.

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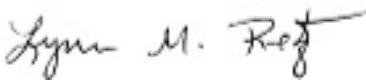
THEREFORE, THE COMMISSION ORDERS:

- A. Mid-Kansas' Petition to Intervene is granted pursuant to K.S.A. 77-521.
- B. 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).¹⁴
- 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; Keen, Commissioner

Dated: 05/22/2018 _____



Lynn M. Retz
Secretary to the Commission

REV/MRN

¹⁴ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

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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 05/22/2018.

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