

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

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Application of Kansas Gas)
and Electric Company for Approval of the) Docket No. 12-KG&E-718-CON
Energy Supply Agreement Between Kansas)
Gas and Electric Company and Frontier El)
Dorado Refining LLC.)

ORDER GRANTING INTERVENTION TO FRONTIER EL DORADO REFINING LLC

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

1. On March 28, 2012, Kansas Gas & Electric Company, d/b/a Westar Energy (Westar) filed an Application for Commission approval of the Energy Supply Agreement between Westar and Frontier El Dorado Refining LLC (FEDR). Application, March 28, 2012 (Application).

2. FEDR, a wholly owned subsidiary of HollyFrontier Corporation, filed a Petition to Intervene with the Commission requesting leave to intervene in this proceeding. Petition to Intervene, April 16, 2012, paragraph 4 (Petition, ¶ 4). In its petition, FEDR states it is one of the largest refineries in the Plains States and the Rocky Mountain Region. Petition, ¶ 2. FEDR states the cost of electricity used at the refinery is a significant operating expense for FEDR. Petition, ¶ 2. FEDR also states that it has negotiated what it believes to be a fair agreement with Westar for electric service over the next five year period. Petition, ¶ 2. Finally, FEDR states that no party to this proceeding adequately represents FEDR's interests and that FEDR will be substantially affected by the outcome of this proceeding. Petition, ¶ 3.

3. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(b); K.A.R. 82-1-225(b). At any time during a proceeding, the Commission may impose limitations on an intervener's participation. K.S.A. 77-521(c).

4. The Commission finds and concludes that FEDR has met the requirements of K.A.R. 82-1-225 and should be granted intervention. FEDR will be added to the mailing list, service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

James G. Flaherty, #11177
Anderson & Byrd, LLP
216 S. Hickory, P.O. Box 17
Ottawa, Kansas 66067
(785) 242-1234, telephone
(785) 242-1279, facsimile
jflaherty@andersonbyrd.com

5. In addition to the counsel of record for FEDR listed above, service of notices, pleadings, and correspondence should be delivered to FEDR's other designees:

Matthew P. Reinhart
The HollyFrontier Companies
2828 N. Harwood, Suite 1300
Dallas, Texas 75201
matt.reinhart@hollyfrontier.com

Roger D. Henriksen
Parr Brown Gee & Loveless
185 South State Street, Suite 800
Salt Lake City, Utah 84111
rhenriksen@parrbrown.com

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Frontier El Dorado Refining LLC is granted intervention in the above captioned proceeding. Counsel of record for the petitioner, and its other designees, shall receive service of all pleadings in this matter, as set forth above.


B. This is a procedural order and constitutes non-final agency action. K.S.A. 77-607(b)(2). Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chairman; Loyd, Commissioner; Wright, Commissioner

Dated: MAY 09 2012


ORDER MAILED MAY 10 2012
Patrice Petersen-Klein
Executive Director

MRD/mch

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
JAMES G. FLAHERTY, ATTORNEY ANDERSON & BYRD, L.L.P. 216 SOUTH HICKORY PO BOX 17 OTTAWA, KS 66067		
TAMMY COOPER ANDREWS KURTH L.L.P. 111 CONGRESS AVENUE SUITE 1700 AUSTIN, TX 78701		
PHILLIP OLDHAM ANDREWS KURTH L.L.P. 111 CONGRESS AVENUE SUITE 1700 AUSTIN, TX 78701		
RAY BERGMEIER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MELISSA DOEBLIN, ADVISORY COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
ANNA M. CLOVIS MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, LLP 100 NORTH BROADWAY SUITE 500 WICHITA, KS 67202		
TERESA J. JAMES, ATTORNEY MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, LLP 6900 COLLEGE BLVD STE 700 OVERLAND PARK, KS 66211-1842		
STANFORD J. SMITH, JR., ATTORNEY MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, LLP 100 NORTH BROADWAY SUITE 500 WICHITA, KS 67202		

ORDER MAILED **MAY 10 2012**

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
ROGER D. HENRIKSEN PARR BROWN GEE & LOVELESS 185 S STATE ST STE 800 SALT LAKE CITY, UT 84111		
MATTHEW P. REINHART THE HOLLYFRONTIER COMPANIES 2828 N HARWOOD STE 1300 DALLAS, TX 75201		
MARTIN J. BREGMAN, EXEC DIR, LAW WESTAR ENERGY, INC. 818 S KANSAS AVENUE PO BOX 889 TOPEKA, KS 66601-0889		
CATHRYN J. DINGES, CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVENUE PO BOX 889 TOPEKA, KS 66601-0889		

ORDER MAILED MAY 10 2012

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