

⁴ Docket No. 14-WHLW-218-RTS, Application (November 13, 2013).

2. On December 3, 2013, the Commission consolidated Wheatland's dockets into Docket No. 14-WHLW-218-RTS because each docket requires common findings of fact concerning Wheatland's cost of service.⁵ Also on December 3, 2013, the Commission issued a Suspension Order,⁶ Order Designating Prehearing Officer, Protective Order, Discovery Order, and Procedural Order.⁷

3. On December 6, 2013, Tyson Fresh Meats, Inc. (Tyson) filed its Motion to Intervene and for the Convening of a Prehearing Conference (Motion).⁸ In its Motion, Tyson states it is an industrial water customer of Wheatland at its Finney County Plant in Holcomb, Kansas.⁹ Tyson needs a reliable and reasonably priced supply of water because it uses significant amounts of water in operating its plant.¹⁰ Wheatland's Application proposes a rate increase of 94%; an increase of over \$900,000 a year.¹¹ As such, Tyson has a substantial interest in this matter which cannot be adequately represented by another party.¹² Additionally, Tyson requests the Commission order a prehearing conference for the purpose of establishing a procedural schedule.¹³

4. 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, privileges, immunities, or other legal interests may be substantially affected by the proceeding.¹⁴

⁵ Docket No. 14-WHLW-218-RTS, Order Consolidating Dockets, Suspension Order, (December 3, 2013).

⁶ *Id.* (deferring any decision in this docket until July 11, 2014).

⁷ Order Designating Prehearing Officer, Protective Order, Discovery Order, Procedural Order, (December 3, 2013).

⁸ Motion of Tyson Fresh Meats, Inc. to Intervene and for the Convening of a Prehearing Conference, (December 6, 2013).

⁹ *Id.* at ¶ 2.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at ¶ 3.

¹⁴ K.S.A. 77-521; K.A.R. 82-1-225.

Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.¹⁵

5. The Commission finds that Tyson has a significant interest in the outcome of this docket because the 94% proposed rate increase could have a substantial effect upon Tyson's operations. Therefore, pursuant to K.S.A. 77-521, the Commission grants Tyson intervention in all proceedings relevant to this docket. The Commission also finds that the Prehearing Officer should set a prehearing conference for the purpose of establishing a procedural schedule.

6. Tyson will be added to the official service list. Service of pleadings, communications, and correspondence should be delivered to counsel of record as follows:

Martin J. Bregman, Ks. Sup. Ct. #12618
Sarah Toevs Sullivan, Ks. Sup. Ct. #20041
STINSON MORRISON HECKER, LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
(816) 691-3195 Phone
(816) 691-3495 Fax
mbregman@stinson.com
ssullivan@stinson.com

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

- A. The Commission grants Tyson intervention pursuant to K.S.A. 77-521.
- B. The Prehearing Officer shall set a prehearing conference for the purpose of establishing a procedural schedule.
- C. The parties have fifteen days, plus three days if service of this order is by mail, from the date this Order was served in which to petition the Commission for reconsideration.¹⁶
- D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

¹⁵ K.S.A. 77-521(c).

¹⁶ K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chairman; Wright, Commissioner; Albrecht, Commissioner

Dated: DEC 19 2013



ORDER MAILED DEC 19 2013

Kim Christiansen
Executive Director

MLS

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MICHAEL MUIRHEAD, DIRECTOR OF UTILITIES CITY OF GARDEN CITY 301 N 8TH ST PO BOX 998 GARDEN CITY, KS 67846		
LYNN FREESE, PRESIDENT FINNEY COUNTY RURAL WATER DISTRICT #1 101 MAIN ST PO BOX 230 SCOTT CITY, KS 67871		
SAMUEL FEATHER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MARK SPRECKER, ADVISORY COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MARTIN J. BREGMAN, ATTORNEY STINSON MORRISON HECKER LLP 1201 WALNUT ST STE 2900 KANSAS CITY, MO 64106		
SARAH TOEVS SULLIVAN, ATTORNEY STINSON MORRISON HECKER LLP 1201 WALNUT ST STE 2900 KANSAS CITY, MO 64106		
STUART LOWRY, PRESIDENT AND CEO SUNFLOWER ELECTRIC POWER CORPORATION 301 W. 13TH PO BOX 1020 (67601-1020) HAYS, KS 67601		

ORDER MAILED DEC 19 2013

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
WILL HIGGINBOTHOM, CORPORATE COUNSEL TYSON FOODS, INC. 2200 W DON TYSON PKWY SPRINGDALE, AR 72762		
KEEN K. BRANTLEY, ATTORNEY WALLACE, BRANTLEY & SHIRLEY 325 MAIN ST PO BOX 605 SCOTT CITY, KS 67871		

ORDER MAILED DEC 19 2013

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.