

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

Before Commissioners: Mark Sievers, Chairman
Thomas E. Wright
Shari Feist Albrecht

In the Matter of Mid-Kansas Electric)
Company, LLC's Formula-Based Rate Annual)
Updates and True-Ups for Recovery of) Docket No. 13-MKEE-360-TFR
Transmission Costs as Required by)
Commission Order in Docket No. 12-MKEE-)
650-TAR.)

**ORDER ON KANSAS ELECTRIC POWER COOPERATIVE, INC.'S
PETITION TO INTERVENE**

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 November 13, 2012, Mid-Kansas Electric Company, LLC (Mid-Kansas) filed its Open Access Transmission Tariff (OATT) for Commission approval pursuant to the Commission order in Docket No. 12-MKEE-650-TAR.

2. Kansas Electric Power Cooperative, Inc. (KEPCo) filed a petition to intervene with the Commission on January 3, 2013 (KEPCo Petition), requesting leave to intervene in this proceeding.

3. KEPCo is engaged in the business of a generation and transmission cooperative electric supplier in the State of Kansas and serves approximately 300,000 consumer members.¹ KEPCo stated that it takes transmission service from Mid-Kansas for service to a number of its members.² KEPCo asserted that it will be directly affected by both the proposed formula rate and the changes in the OATT and KEPCo and its members will or may be bound by any Commission order or activity in this proceeding and may be adversely affected thereby.³ Additionally, KEPCo

¹ KEPCo Petition, ¶ 2.

² KEPCo Petition, ¶ 3.

³ KEPCo Petition, ¶ 5.

stated that representation of KEPCo's interests in this proceeding by existing parties is inadequate.⁴

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.⁵ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.⁶

5. The Commission finds and concludes that KEPCo has met the requirements of K.S.A. 77-521 and K.A.R. 82-1-225 and should be granted intervention.

6. Service of pleadings, communications, and correspondence shall be delivered to the following named individuals:

William Riggins, #12080
Senior Vice President, Chief Administrative
Officer and General Counsel
Kansas Electric Power Cooperative, Inc.
600 SW Corporate View
Topeka, KS 66615
Telephone: (785) 271-4836
Facsimile: (785) 271-4888
briggins@kepco.org

Mark Doljac
Director of Rates and Regulation
Kansas Electric Power Cooperative, Inc.
600 SW Corporate View
Topeka, KS 66615
Telephone: (785) 271-4842
Facsimile: (785) 271-4888
mdoljac@kepco.org

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Kansas Electric Power Cooperative, Inc. is granted intervention in the above-captioned proceeding.

⁴ KEPCo Petition, ¶ 6.

⁵ K.S.A. 77-521; K.A.R. 82-1-225.

⁶ K.S.A. 77-521(c).


B. The parties have fifteen days, plus three days if service is by mail, from the date the order was served in which to petition the Commission for reconsideration of any issues decided herein.⁷

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

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated: JAN 23 2013


ORDER MAILED JAN 24 2013
Patrice Petersen-Klein
Executive Director

HF

⁷ K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
RAY BERGMEIER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
HOLLY FISHER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MARK DOLJAC, DIR RATES AND REGULATION KANSAS ELECTRIC POWER CO-OP, INC. 600 SW CORPORATE VIEW (66615) PO BOX 4877 TOPEKA, KS 66604-0877		
WILLIAM G. RIGGINS, SR VICE PRESIDENT, CHIEF ADMINISTRATIVE OFFICER AND GENERAL COUNSEL KANSAS ELECTRIC POWER CO-OP, INC. 600 SW CORPORATE VIEW (66615) PO BOX 4877 TOPEKA, KS 66604-0877		
MARK D CALCARA MID-KANSAS ELECTRIC COMPANY, LLC 301 WEST 13TH STREET PO BOX 980 HAYS, KS 67601		

ORDER MAILED **JAN 24 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.