

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Investigation into the)
Principles and Priorities to be Established for)
Evaluating the Reasonableness of the Location) Docket No. 24-GIME-102-GIE
of a Proposed Transmission Line in Future)
Line Siting Proceedings.)

**PETITION TO INTERVENE AND MOTION FOR PROTECTIVE ORDER,
DISCOVERY ORDER AND ORDER ASSESSING COST**

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and petitions the Corporation Commission of the State of the Kansas ("Commission") for intervention in the above-captioned case pursuant to K.S.A. 66-1223 and K.S.A. 77-521(a). In support of its petition and motion, CURB states and alleges as follows:

1. On August 3, 2023, the Commission issued an Order Opening a General Investigation in the above-referenced docket, regarding the principles and priorities to be established for evaluating the reasonableness of the location of a proposed transmission line in future line siting proceedings.
2. CURB is composed of five volunteer board members.¹
3. CURB has specific statutory authority to "represent residential and small commercial ratepayers before the state corporation commission"² and to "function as an *official intervenor in cases* filed with the state corporation commission."³ CURB's authority and role as the official intervenor in cases filed with the Commission has been recognized by the Kansas Supreme Court.⁴

¹ K.S.A. 66-1222(a).

² K.S.A. 66-1223(a).

³ K.S.A. 66-1223(b).

⁴ K.S.A. 66-1223(b). See, *Citizens' Utility Ratepayer Board v. Kansas Corporation Comm'n*, 24 Kan. App.2d 63, 68, rev. den. 262 Kan. 959 (1997) ("*CURB v. KCC*"). See also, *Farmland Industries, Inc. v. Kansas Corp. Comm'n*, 29 Kan.App.2d 1031, 1047-48, 37 P.3d 640 (2001) ("The bulk of current customers otherwise entitled to receive refunds are *statutorily represented* by CURB. See K.S.A. 66-1223(a)")

CURB also has specific statutory authority to seek judicial review of Commission orders and decisions on behalf of residential and small commercial ratepayers.⁵

4. CURB's express statutory authority referenced above reflects the intent of the Legislature that CURB should participate in cases filed with the Commission. This fulfills the requirement under K.S.A. 77-521(a)(2) because CURB "qualifies as an intervener under any provision of law."

5. The residential and small commercial ratepayers whose interests CURB represents will be bound by any Commission order or activity in this proceeding. In these regards, the Commission recognizes that the operations and processes of all Kansas utilities owning, operating, or controlling electric transmission infrastructure may be impacted by this proceeding. Therefore, the rates paid and the services received by residential and small commercial ratepayers may be substantially affected by any Commission order or activity in this proceeding.

6. The representation of CURB's interests in this proceeding by existing parties is inadequate. No other party to this proceeding is authorized to (a) specifically represent residential and small commercial ratepayers before the Commission, (b) function as the statutory official intervenor in cases filed with the Commission, or (c) seek judicial review of Commission orders and decisions on behalf of residential and small commercial ratepayers. While Commission Staff may have authority to investigate, evaluate, testify and offer exhibits on behalf of the *general public* pursuant to a definition contained in a Commission regulation,⁶ Staff does not specifically represent

⁵ K.S.A. 66-1223.

⁶ Staff's authority to represent the general public is not specifically authorized by statute, but merely referenced in the definition section of Commission regulations. K.A.R. 82-1-204(q) ("Technical staff may conduct investigations and otherwise evaluate issues raised, and may testify and offer exhibits on behalf of the *general public*.") (emphasis added).

residential and small commercial ratepayers and is expressly denied the right to appeal Commission orders.⁷

7. Accordingly, CURB has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party. Pursuant to K.S.A. 77-521(a)(2), CURB qualifies as an intervenor (a) under provision of law and (b) because the rights, duties, privileges, immunities, or other legal interests of residential and small commercial ratepayers may be substantially affected by this proceeding.⁸

8. CURB's requested intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.⁹

9. CURB therefore requests that the Commission grant CURB's Petition to Intervene and allow CURB to participate fully in this docket, including but not limited to the right to conduct discovery, file pleadings and testimony, present oral argument, and fully participate in any scheduled hearings.

10. In addition to undersigned counsel, please include the following CURB representatives with all electronic notices, pleadings, and correspondence regarding this Application as follows:

Shonda Rabb
Public Service Administrator
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
Email: s.rabb@curb.kansas.gov

Della Smith
Senior Administrative Specialist
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
Email: d.smith@curb.kansas.gov

⁷ K.A.R. 82-1-204(i)(3).

⁸ K.S.A. 77-521(a)(2).

⁹ K.S.A. 77-521(a)(3).

11. Discovery responses may contain confidential information. CURB is requesting the Commission issue a Protective Order and Discovery Order in this docket to allow CURB and its consultant access to the full information contained in this filing. CURB is requesting an Order Assessing Cost in this docket.

WHEREFORE, CURB respectfully requests the Commission grant its Petition for Intervention and Motion for Protective Order, Discovery Order and Order Assessing Cost in this Docket.

Respectfully submitted,



David W. Nickel
David W. Nickel, Consumer Counsel #11170

Todd E. Love, Attorney #13445

Joseph R. Astrab, Attorney #26414

Citizens' Utility Ratepayer Board

1500 SW Arrowhead Road

Topeka, KS 66604

(785) 271-3200

d.nickel@curb.kansas.gov

t.love@curb.kansas.gov

j.astrab@curb.kansas.gov

CERTIFICATE OF SERVICE

24-GIME-102-GIE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 3rd day of August, 2023, to the following:

DIANA CARTER, DIRECTOR OF LEGAL SERVICES
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE
JOPLIN, MO 64801
Diana.Carter@libertyutilities.com

CATHRYN J. DINGES, CORPORATE COUNSEL
EVERGY KANSAS SOUTH, INC. D/B/A EVERGY KANSAS CENTRAL
818 S KANSAS AVE, PO Box 889
TOPEKA, KS 66601-0889
cathy.dinges@westarenergy.com

DENISE M. BUFFINGTON, SNR. DIR. FED REG. AFFAIRS
EVERGY METRO, INC D/B/A EVERGY KANSAS METRO
ONE KANSAS CITY PLACE
1200 MAIN ST., 19th FLOOR
KANSAS CITY, MO 64105
DENISE.BUFFINGTON@EVERGY.COM

CORY BLAIR, MANAGER TRANSMISSION DEVELOPMENT
INVENERGY LLC
101 17TH STREET SUITE 1100
DENVER, CO 80202
cblair@invenergyllc.com

ORIJIIT GHOSHAL, SENIOR MANAGER REGULATORY AFFAIRS
INVENERGY LLC
101 17TH STREET SUITE 1100
DENVER, CO 80202
oghoshal@invenergyllc.com

DUSKY TERRY, PRESIDENT
ITC GREAT PLAINS, LLC
3500 SW FAIRLAWN RD STE 101
TOPEKA, KS 66614-3979
dterry@itctransco.com

DAVID COHEN, ASSISTANT GENERAL COUNSEL

KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
d.cohen@kcc.ks.gov

BRIAN G. FEDOTIN, GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
b.fedotin@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
c.masenthin@kcc.ks.gov

LEE TAFANELLI, CEO
KANSAS ELECTRIC COOPERATIVE, INC.
7332 SW 21ST STREET
PO BOX 4267
TOPEKA, KS 66604-0267
ltafanelli@kec.org

SUZANNE LANE, EXECUTIVE VICE PRESIDENT/CEO
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
slane@kepc.org

PAUL MAHLBERG, GENERAL MANAGER
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
MAHLBERG@KMEA.COM

COLIN HANSEN, CEO/GENERAL MANAGER
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
chansen@kpp.agency

LARRY HOLLOWAY, ASST GEN MGR
OPERATIONS
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
lholloway@kpp.agency

PATRICK PARKE, CEO
MIDWEST ENERGY, INC.
1330 CANTERBURY RD
PO BOX 898
HAYS, KS 67601-0898
patparke@mwenergy.com

WILLIAM P. COX, SR ATTORNEY
NEXTERA ENERGY TRANSMISSION, LLC
700 UNIVERSE BLVD
JUNO BEACH, FL 33408
will.p.cox@nexteraenergy.com

TRACY C. DAVIS, SENIOR ATTORNEY
NEXTERA ENERGY TRANSMISSION, LLC
5920 W WILLIAM CANNON DR, BLDG 2
AUSTIN, TX 78749
TracyC.Davis@nexteraenergy.com

LINDSAY CAMPBELL
PIONEER ELECTRIC COOP. ASSN., INC.
1850 W OKLAHOMA
PO BOX 368

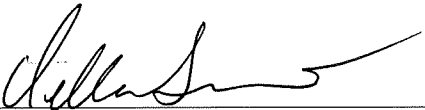
ULYSSES, KS 67880-0368
LCAMPBELL@PIONEERELECTRIC.COOP

KANDI HUGHES, ATTORNEY
SOUTHWEST POWER POOL, INC.
201 WORTHEN DR
LITTLE ROCK, AR 72223
khughes@spp.org

TESSIE KENTNER, ATTORNEY
SOUTHWEST POWER POOL, INC.
201 WORTHEN DR
LITTLE ROCK, AR 72223
tkentner@spp.org

DAVID HUDSON, DIR REG & PRICING
ADMINISTRATION
SOUTHWESTERN PUBLIC SERVICE
COMPANY D/B/A XCEL ENERGY
6086 SW 48TH AVE
AMARILLO, TX 79209
david.hudson@xcelenergy.com

STEVE EPPERSON
SUNFLOWER ELECTRIC POWER
CORPORATION
301 W. 13TH
PO BOX 1020
HAYS, KS 67601-1020
sepperson@sunflower.net



Della Smith
Senior Administrative Specialist