

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

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Susan K. Duffy

In the Matter of the Investigation into Evergy    )  
Kansas Metro and Evergy Kansas Central    )  
Regarding the February 2021 Winter Weather    )                    Docket No. 21-EKME-329-GIE  
Events, as Contemplated by Docket No. 21-    )  
GIMX-303-MIS.    )

**ORDER GRANTING INTERVENTION TO  
KANSAS ELECTRIC POWER COOPERATIVE, INC.**

The Commission rules as follows:

1.        On February 15, 2021, pursuant to K.S.A. 77-536(a), the Commission issued an Emergency Order directing all jurisdictional natural gas and electric utilities to coordinate efforts and take all reasonably feasible, lawful, and appropriate actions to ensure adequate transportation of natural gas and electricity to interconnected, non-jurisdictional Kansas utilities.<sup>1</sup>
2.        On March 9, 2021, the Commission ordered each utility to file its plan to minimize the financial effects of the cold weather event into its respective company-specific investigation docket.<sup>2</sup>
3.        On May 12, 2021, Kansas Electric Power Cooperative, Inc. (KEPCo) filed a petition to intervene.<sup>3</sup>
4.        There have been no objections KEPCo’s petition to intervene.

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<sup>1</sup> Emergency Order, Ordering Clause, ¶ A, Docket No. 21-GIMX-303-MIS (21-303 Docket) (Feb. 15, 2021).

<sup>2</sup> Order Adopting Staff’s Report and Recommendation to Open Company Specific Investigations; Order on Petitions to Intervene of BlueMark Energy, LLC and CURB; Protective and Discovery Order (Mar. 9, 2021).

<sup>3</sup> Petition of Kansas Electric Power Cooperative, Inc. to Intervene (May 12, 2021).

5. The Commission shall grant intervention if the petition: (1) is submitted in writing to the presiding officer, with service on all parties named in the Commission's notice of hearing, at least 3 business days before the hearing; (2) states facts demonstrating the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.<sup>4</sup> The Commission has discretion to grant intervention at any time where intervention is in the interests of justice and will not impair the orderly and prompt conduct of proceedings.<sup>5</sup> At any time during a proceeding, the Commission may impose limitations on the intervenor's participation, which may include: (1) limiting an intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition; (2) limiting the intervenor's discovery, cross-examination, and other procedures; and (3) requiring intervenors to consolidate their participation in the proceedings.<sup>6</sup>

6. In its petition, KEPCo cites its co-ownership of the Wolf Creek Generating Station and Iatan Generating Station Unit 2 and its dependence on Evergy Metro, Inc.'s and Evergy Central, Inc.'s generation fleet and transmission systems to support intervention. KEPCo further states its interests are not adequately represented by any other party and KEPCo may or will be substantially affected by any Commission order in this proceeding.<sup>7</sup>

7. KEPCo submitted its petition to intervene in writing, properly served the petition in accordance with K.S.A. 77-521(a)(1), and stated facts demonstrating their legal rights and interests may be substantially affected by this proceeding under K.S.A. 77-521(a)(2). The

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<sup>4</sup> K.S.A. 77-521(a); K.A.R. 82-1-225(a).

<sup>5</sup> K.S.A. 77-521(b); K.A.R. 82-1-225(b)

<sup>6</sup> K.S.A. 77-521(c); K.A.R. 82-1-225(c).

<sup>7</sup> Petition of Kansas Electric Power Cooperative, Inc. to Intervene, ¶¶ 4-5.

Commission finds KEPCo's intervention will not impair the interests of justice, and KEPCo's participation will not impede the orderly and prompt conduct of the proceedings in accordance with K.S.A. 77-521(a)(3). KEPCo has met the requirements for intervention in K.S.A. 77-521 and K.A.R. 82-1-225, and therefore, KEPCo is granted intervention in this docket.

8. KEPCo will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to counsel of record and intervenor's other designee as follows:

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**THEREFORE, THE COMMISSION ORDERS:**

A. Kansas Electric Power Cooperative, Inc.'s petition to intervene is granted.

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 05/25/2021

  
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Lynn M. Retz  
Executive Director

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**CERTIFICATE OF SERVICE**

21-EKME-329-GIE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 05/25/2021.

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/S/ DeeAnn Shupe  
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