

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:     Dwight D. Keen, Chair  
                                  Shari Feist Albrecht  
                                  Susan K. Duffy

In the Matter of the Application of Southern     )  
Pioneer Electric Company for Approval to     ) Docket No. 20-SPEE-169-RTS  
Make Certain Changes in its Charges for     )  
Electric Service                                     )

**ORDER SETTING PROCEDURAL SCHEDULE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings and conclusions:

1.     On October 10, 2019, Southern Pioneer Electric Company (Southern Pioneer) filed its Application seeking approval to make certain changes to its rates for electric service.<sup>1</sup> The filing was made in accordance with the provisions of K.S.A. 66-117 and the Commission's *Order Acknowledging Notice of Intent to Continue Formula-Based Ratemaking Plan* issued on January 15, 2019, in Docket No. 19-SPEE-240-MIS. Southern Pioneer stated it is regulated by the Commission and is a wholly owned subsidiary of Pioneer Electric Cooperative, a not-for-profit Kansas member-owned electric cooperative.<sup>2</sup> Southern Pioneer's principal place of business is located in Ulysses, Kansas. Southern Pioneer stated it provides electric service to approximately 17,000 consumers in 34 communities throughout southcentral and southwestern Kansas.<sup>3</sup>

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<sup>1</sup> Application, Oct. 10, 2019, pg. 1.

<sup>2</sup> *See id.*

<sup>3</sup> *Id.*

2. On October 14, 2019, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene and Motion for Protective Order and Discovery Order.

3. On November 14, 2019, the Commission issued its Order Designating Prehearing Officer and Granting CURB's Petition to Intervene, Protective Order and Discovery Order.

4. On November 21, 2019, Southern Pioneer, Staff of the Commission (Staff), and CURB (collectively referred to as the Parties) filed a Joint Motion for Procedural Schedule. In the Joint Motion, the Parties proposed deadlines for filing testimony, ending discovery, and submitting briefs, and also scheduling a public hearing and comment period and evidentiary hearing before the Commission. In addition to the Joint Motion, Southern Pioneer submitted a proposed notice to customers, which was subsequently reviewed and approved by the Commission's Director of Public Affairs and Consumer Protection.

5. A public hearing shall be held on January 6, 2020, beginning at 6:00 p.m., at the Liberal High School Auditorium, 1611 W 2<sup>nd</sup> Street, Liberal, Kansas. The Commission finds that notice of Southern Pioneer's Application and the public hearing and comment period be included as a bill insert with the monthly billing statement for each customer in Southern Pioneer's service territory, and publication in the major newspapers in the region, and provided electronically to those customers who receive their bill inserts by electronic mail. The Commission further requires Southern Pioneer to file an Affidavit confirming notice has been mailed to customers, printed in newspapers, and provided by electronic mail to customers, who receive their bill by electronic mail, no later than January 3, 2020.

6. The Commission finds the procedural schedule recommended by the Parties to be reasonable. The Commission adopts the following procedural schedule:

<b>DATE</b>	<b>TIME</b>	<b>ACTION</b>
January 3, 2020	5:00 p.m.	Affidavit of Mailing, Publication and Electronic Service
January 6, 2020	6:00 p.m.	Public Hearing
February 17, 2020	5:00 p.m.	Staff/Intervenor Testimony Due
February 20, 2020	5:00 p.m.	Cross-Answering Testimony Due
March 11, 2020	5:00 p.m.	Southern Pioneer Rebuttal Testimony Due
March 13, 2020	5:00 p.m.	Motion/Discovery Cutoff
March 13, 2020	9:00 a.m.	Settlement Conference
March 18, 2020	5:00 p.m.	Deadline to Submit Settlement Agreement
March 20, 2020	5:00 p.m.	Deadline to Submit Testimony in Support/Opposition of Settlement Agreement
March 23, 2020	9:00 a.m.	Prehearing Conference
March 26, 2020	5:00 p.m.	Deadline for Southern Pioneer to submit estimate rate case expense to Commission
March 31, 2020 April 1, 2020	10:30 a.m.- 5:00 p.m. 9:00 a.m.- 5:00 p.m.	Evidentiary Hearing
April 2, 2020	5:00 p.m.	Public Comment Period Ends
April 9, 2020	5:00 p.m.	PACP Report of Public Comments Due
April 14, 2020	5:00 p.m.	Southern Pioneer Initial Brief Due
April 27, 2020	5:00 p.m.	Staff/Intervenor Briefs Due
May 8, 2020	5:00 p.m.	Southern Pioneer Reply Brief Due
June 8, 2020		Commission Order Due

A. Prehearing Conference and Evidentiary Hearing

7. The Commission agrees with the Prehearing Officer that a prehearing conference will be needed before an evidentiary hearing to address any pending matters, to establish procedures to use during the Evidentiary Hearing, and to consider any other prehearing issues that will promote the orderly and prompt conduct of this proceeding.<sup>4</sup> The Commission sets the Prehearing Conference for March 23, 2020, beginning at 9:00 a.m. in the Commission's Third Floor Hearing Room, 1500 SW Arrowhead Road, Topeka, Kansas. Prehearing Officer, Phoenix Anshutz, telephone 785-271-3198, email [p.anshutz@kcc.ks.gov](mailto:p.anshutz@kcc.ks.gov), will preside. Any party who fails to attend or participate in the Prehearing Conference or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act (KAPA).<sup>5</sup> At the Prehearing Conference, this proceeding without further notice may be converted into a conference hearing or a summary proceeding for disposition of the matter as provided by KAPA.<sup>6</sup>

8. In addition to the Prehearing Conference discussed above, the Commission schedules an Evidentiary Hearing, with the Commission presiding, to begin on March 31, 2020, at 10:30 a.m., and continue, as needed and ordered by the Commission, through April 1, 2020, in the Commission's First Floor Hearing Room, 1500 SW Arrowhead Road, Topeka, Kansas. Any party who fails to attend or participate in the hearing or in any other state of this proceeding may be held in default under KAPA.<sup>7</sup>

B. Public Hearing, Notice and Comment Period

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<sup>4</sup> K.S.A. 77-517; K.A.R. 82 1 222.

<sup>5</sup> K.S.A. 77-516(c)(8); K.S.A. 77-520.

<sup>6</sup> K.S.A. 77-516(c)(7).

<sup>7</sup> K.S.A. 77-518(c)(8); K.S.A. 77-520.

9. The Commission adopts the recommendation of the Parties and PACP that one public hearing be conducted in this docket as follows:

**Monday, January 6, 2020, beginning at 6:00 p.m.**

Liberal High School Auditorium  
1611 W 2<sup>nd</sup> Street, Liberal, Kansas 67901

Or by video-conference at:

Medicine Lodge High School  
400 W Eldorado Ave. Medicine Lodge, Kansas 67104

The hearing will be recorded and posted on the Commission's website at [www.kcc.ks.gov](http://www.kcc.ks.gov) for those unable to attend.

10. Notice of Southern Pioneer's Application and the public hearing and public comment period shall be included in a bill insert with the monthly billing statement for each customer in Southern Pioneer's service territory and provided by electronic mail to those customers who receive their bill by electronic mail. The notice to customers shall be sent to customers at least two (2) days prior to the public hearing.

11. The Commission also requires Southern Pioneer to provide information to the public about this proceeding by publishing notice in the major newspapers in the region. The Commission orders and directs that notice be published in newspapers approved by the Director of PACP, and that Southern Pioneer work with the Director of PACP to determine the timing of publication.

12. The Commission encourages the public to submit comments concerning this docket via electronic mail and in writing. The Commission directs that the public comment period begin immediately and end on April 2, 2020, at 5:00 p.m. The Commission's PACP

office is directed to provide a report that summarizes public comments received and file a report on or before April 9, 2020, summarizing public comments received.

13. In addition, the Commission directs Southern Pioneer, CURB and the PACP Office to make information concerning the proceeding more accessible to the public through use of websites. The Commission directs these parties to include on their respective websites links and contact information to assist members of the public in easily identifying how to contact the PACP Office to submit comments and to easily access filings made in the docket. To the extent practicable, parties are encouraged to include background information explaining this proceeding.

**THEREFORE, THE COMMISSION ORDERS:**

- A. The procedural schedule set forth in Paragraph 6 is adopted.
- B. The Commission schedules the Prehearing Conference for March 23, 2020, beginning at 9:00 a.m., in the Third Floor Hearing Room of the Commission's Offices, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604-4027.
- C. The Evidentiary Hearing will begin on March 31, 2020, at 10:30 a.m., and continue, as needed and ordered by the Commission, through April 1, 2020, in the First Floor Hearing Room of the Commission's Topeka Office.
- D. A public hearing shall be held on January 6, 2020, beginning at 6:00 p.m., at the Liberal High School Auditorium, 1611 W 2<sup>nd</sup> Street, Liberal, Kansas 67901. Additionally, a video conference of the public hearing will be made available at Medicine Lodge High School, Medicine Lodge, Kansas 67104.
- E. Southern Pioneer is directed to provide the notice to its customers of the public hearings and Application through a bill insert included with the monthly billing statement for

each customer in its service territory, or by electronic mail to those customers who receive their bill by electronic mail.

F. Southern Pioneer is directed to publish notice in the larger newspapers throughout its region, and to provide a list of newspapers to PACP, for publishing such notice, and work with the Director of Public Affairs and Consumer Protection to determine the timing of publication and newspapers in which notice will be published.

G. This Order will be served by electronic mail, with a note that no hard copy of this Order will follow. This Order is a procedural order and constitutes non-final agency action.<sup>8</sup>

H. Parties have 15 days from the date of electronic service of this Order in which to petition the Commission for reconsideration.<sup>9</sup>

I. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

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

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 12/19/2019.



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Lynn M. Retz  
Executive Director

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<sup>8</sup> K.S.A. 77-607(b)(2).

<sup>9</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

20-SPEE-169-RTS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 12/19/2019.

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## CERTIFICATE OF SERVICE

20-SPEE-169-RTS

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/S/ DeeAnn Shupe  
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