

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

In the Matter of the General Investigation)
regarding the U.S. Environmental Protection)
Agency's Final Rule on Carbon Pollution) Docket No. 16-GIME-242-GIE
Emission Guidelines for Existing Stationary)
Sources: Electric Utility Generating Units.)

MIDWEST ENERGY, INC.'S PETITION TO INTERVENE

COMES NOW Midwest Energy, Inc. ("Midwest Energy") and, pursuant to K.S.A. 77-521 and K.A.R. 82-1-225, respectfully petitions the State Corporation Commission of the State of Kansas ("Commission") for intervention in the above-captioned matter. For its Petition to Intervene ("Petition"), Midwest Energy states as follows:

1. On December 3, 2015, the Commission issued its Order Opening General Investigation ("Order") in the instant docket. The Commission indicated it was opening the docket to identify viable least-cost compliance options that maintain reliable electric service by conducting a comprehensive review of generation redispatch options in light of the U.S. Environmental Protection Agency's ("EPA") Final Rule on Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units ("Clean Power Plan"). Order at ¶ 1.

2. Midwest Energy is a customer-owned Kansas corporation, in good standing, that operates on a not-for-profit cooperative basis. Among other things, Midwest Energy provides retail electric service to approximately 50,235 residential, agricultural, commercial and/or industrial customers in Kansas. Prior to June 5, 2013, Midwest Energy was a Kansas electric public utility regulated under the provisions of K.S.A. 66-104 and 66-101 et seq. On June 5, 2013, Midwest Energy's electric operations were deregulated by the Commission pursuant to K.S.A. 2012 Supp. 66-104d. See Order on Deregulation, Docket No. 13-MDWG-704-DRC (Jun. 5, 2013) ("Order on Deregulation").

3. In addition, Midwest Energy provides retail natural gas service to approximately 42,000 residential, agricultural, commercial, irrigation, oil field and/or industrial customers in Kansas. Prior to June 5, 2013, Midwest Energy was a Kansas natural gas public utility regulated under the provisions of K.S.A. 66-104 and 66-1,200 et seq. On June 5, 2013, Midwest Energy's natural gas operations were deregulated by the Commission pursuant to K.S.A. 2012 Supp. 66-104g. See Order on Deregulation, Docket No. 13-MDWG-705-DRC (Jun. 5, 2013) ("Order on Deregulation").

4. Although Midwest Energy has elected to deregulate its retail electric and natural gas operations, nonetheless Midwest Energy is subject to certain continuing oversight by the Commission, including, significantly, generation planning pursuant to K.S.A. 2013 Supp. 66-1282, and as required by Commission Order in Docket No. 99-GIME-321-GIE. As a result, Midwest Energy has a direct interest in the issues to be addressed in this docket and such interest cannot be adequately represented by any other party. Further, as an owner and operator of generation assets in Kansas, Midwest Energy may or will be substantially affected by any Commission order or activity in this proceeding. K.A.R. 82-1-225(a)(2). Finally, the interests of justice and the orderly and prompt conduct of this proceeding will not be impaired by allowing Midwest Energy to intervene. K.A.R. 82-1-225(a)(3).

5. In addition to the undersigned counsel, copies of all pleadings, notices, orders and other documents should be mailed to the following individuals:

Patrick Parke
Vice President Customer Service
Midwest Energy, Inc.
P.O. Box 898
Hays, KS 67601

WHEREFORE, for the above and foregoing reasons, Midwest Energy, Inc. respectfully requests that the Commission grants its Petition to Intervene in this docket.

Respectfully submitted,

Susan B. Cunningham

Susan B. Cunningham

KS #14083

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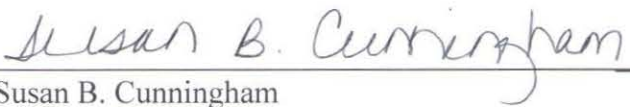
Email: susan.cunningham@dentons.com

Attorney for Midwest Energy, Inc.

VERIFICATION
(K.S.A. 53-601)

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

I, Susan B. Cunningham, being of lawful age and duly sworn, state that I am counsel of record for Midwest Energy, Inc.; I have caused the foregoing Petition to Intervene to be prepared; I have read and reviewed the Petition; and the contents thereof are true and correct to the best of my information, knowledge and belief.

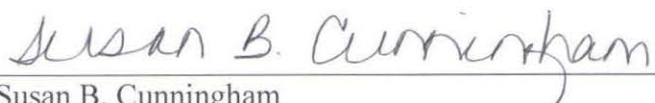


Susan B. Cunningham

Executed on January 7, 2016

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served via electronic mail, U.S. mail or hand-delivered on this 7th day of January, 2016, to the persons appearing on the Commission's service list, as last modified on December 28, 2015.



Susan B. Cunningham