

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Complaint of Southern)
Pioneer Electric Company Against the Kansas)
Power Pool Regarding Bypass and Duplication) Docket No.: 17-KPPE-092-COM
of Service for 34.5 kV Delivery to the City of)
Kingman.)

**MOTION DESIGNATING A PRE-HEARING OFFICER,
SETTING A PROCEDURAL SCHEDULE, AND
REQUESTING A DISCOVERY ORDER AND A PROTECTIVE ORDER**

COMES NOW the Kansas Power Pool (“KPP”), a municipal energy agency and respectfully requests that the Kansas Corporation Commission (“KCC”) issue Orders in the instant cause for the designation of a Pre-Hearing Officer, setting a Procedural Schedule, and for a Discovery Order and a Protective Order.

In support of said Motion, counsel would allege and state as follows:

1. On the 8th day of September, 2016, Southern Pioneer filed a Complaint against the Kansas Power Pool (“KPP”) alleging that KPP was intending to bypass and duplicate service for 34.5 kV delivery to the City of Kingman. KPP wishes to clarify that delivery of KPP’s full requirements to serve Kingman would be over 12 megawatts, which is limited by delivery restrictions on the 34.5 kV line in question to 6 megawatts. Southern Pioneer cannot claim that they deliver the necessary power to serve the City of Kingman over their 34.5 kV facilities.

In support of its Motion, KPP would allege and state as follows:

1. This matter is a Complaint and does not carry with it a mandatory statutory deadline for taking action in this proceeding.

2. KPP would urge the Commission to start the clock on the Procedural Schedule based upon the December 15, 2016, Order which was served on December 16,

2016, with a final Order to be issued within 180 days or by June 14, 2017. The 180-day timeframe was chose as this is the deadline for handling pre-approval of transmission projects and 103 days have already expired since the original filing date. KPP would not presume to establish the schedule for the Commission as it is unaware of the Commission's calendar but would request that that start date and the resulting Order date of June 14, 2017, be utilized with the schedule filled, based upon the Staff and Commission's calendar.

3. KPP further requests, consistent with the procedure used in rate matters, that the Commission issue its Order designating a Pre-Hearing Officer to be responsible for the management of this proceeding.

4. KPP does not view it as necessary in this proceeding to issue a Suspension Order but does request that the Commission issue both a Discovery Order and a Protective Order.

5. Finally, since the Complaint was initiated by the filing of Southern Pioneer, KPP would request that Southern Pioneer be ordered to file its Testimony first in this proceeding and then, using the Commission's normal procedures, KPP and Staff could file concurrently, after Southern Pioneer's Testimony had been filed.

ARGUMENT

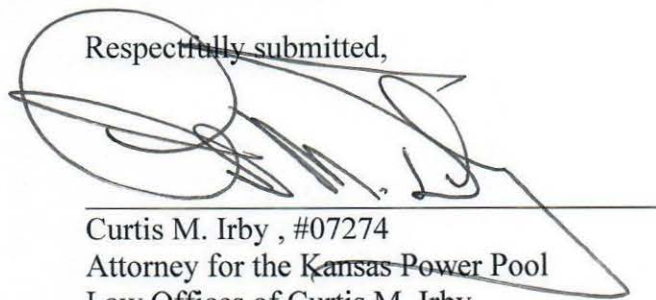
6. KPP submits that these Orders are essential to the proper progression of this cause. First, KPP continues to incur what it believes to be local access charges which could well be avoided with appropriate and necessary access in this case to a Mid-Kansas line. Mid-Kansas, as the Commission is aware, is the generation and transmission provider for the six (6) members of Mid-Kansas which include Southern Pioneer.

7. As an example of the delays which can occur in a Complaint proceeding which does not have schedules we offer in the fact that after filing of this Complaint by Southern Pioneer on the 8th day of September 2016, over three (3) months, and actually for a total of 103 days, this matter has been pending without progress. A Procedural Schedule will aid and assist the parties in presenting this cause to the Commission and hopefully will aid the parties in their ability to meet and potentially discuss settlement of the cause.

8. The necessity of the Pre-Hearing Officer, Discovery Order, and Protective Order is obviously relevant to this proceeding and needs to be done regardless of the ruling on the Procedural Schedule. However, KPP asserts that the Procedural Schedule is absolutely essential for the proper administration and progression of this matter.

WHEREFORE, KPP respectfully requests that the Commission issue Orders establishing a Pre-Hearing Officer, setting a Procedural Schedule, and issuing a Discovery Order and a Protective Order. KPP asserts that it is not necessary for the Commission to issue a Suspension Order as this is not a rate case.

Respectfully submitted,

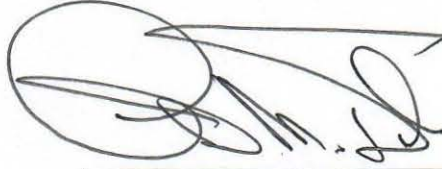


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CERTIFICATE OF SERVICE

I, Curtis M. Irby, hereby certify that on the 22nd day of December, 2016, a true and correct copy of the above and foregoing Motion Designating a Pre-Hearing Officer, Setting a Procedural Schedule, and Requesting a Discovery Order and a Protective Order has been served electronically upon all the parties on the Commission's electronic service list, a copy of which is attached hereto.

Respectfully submitted,



Curtis M. Irby, #07274
Attorney for the Kansas Power Pool



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Precedent & Guidance

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