

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

STATE CORPORATION COMMISSION

JUL 13 2009



In the Matter of the Application of Midwest )  
Energy, Inc. for Approval to Make Certain ) Docket No.: 09-MDWE-792-RTS  
Changes in Its Charges for Electric Service )  
Pursuant to K.A.R. 82-1-231(b)(3). )

**JOINT MOTION TO APPROVE UNANIMOUS STIPULATED SETTLEMENT  
AGREEMENT**

COME NOW, Midwest Energy, Inc. (“Midwest Energy” or “Company”), the Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission” respectively), and the Citizens’ Utility Ratepayer Board (“CURB”)(collectively, the “Parties”), and respectfully move the Commission for an Order approving the Unanimous Stipulated Settlement Agreement (“Stipulation”) filed concurrently with this Motion.

1. On April 9, 2009, Midwest Energy filed an abbreviated rate case Application, supporting testimony, and supporting exhibits in the above-captioned docket. The Parties to this proceeding have been working diligently to resolve the issues in this docket and have reached an agreement that resolves all of the disputed matters.

2. The Parties believe the Stipulation is reasonable and is in the public interest and respectfully request that the Stipulation be approved. To facilitate the Commission's consideration of the terms of the Stipulation, the Parties will be submitting testimony in support of the Stipulation in the next several days.

3. The Unanimous Stipulated Settlement Agreement in the above-captioned docket is hereby adopted by reference and filed concurrently with this Joint Motion.

WHEREFORE, the Parties respectfully request that the Commission approve the Stipulation as proposed by the signatory parties thereto.

Respectfully submitted,



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ATTORNEYS FOR MIDWEST ENERGY, INC.



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ATTORNEYS FOR CURB

**VERIFICATION**

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF JOHNSON        )

I, Anne E. Callenbach, being duly sworn, on oath state that I am counsel for Midwest Energy, Inc., that I have read the foregoing Motion, and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief.

MIDWEST ENERGY, INC.

By: *A. Callenbach*  
Anne E. Callenbach

The foregoing was subscribed and sworn to before me this July 13, 2009.

*Brenda K. Smith*  
Notary Public

My Commission Expires:



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading has been e-mailed, faxed, hand-delivered and/or mailed, First Class, postage prepaid, this 13<sup>th</sup> day of July, 2009, to:

NIKI CHRISTOPHER, ATTORNEY  
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July 13, 2009

**BY FAX 785-271-3354**

Susan Duffy  
Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604

**Re: Docket No. 09-MDWE-792-RTS**

Dear Susan:

On behalf of Midwest Energy, Inc., please accept for filing this facsimile copy of the **Joint Motion to Approve Unanimous Stipulated Settlement Agreement**. We are forwarding by regular mail the original and eight (8) copies of the **Joint Motion**.

Please file stamp the extra copy of the **Joint Motion** and transmittal letter and then return it to me in the self-addressed, stamped envelope. Thank you for your assistance and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "A. Callenbach".

Anne E. Callenbach

AEC:bks  
Enclosure  
cc: Pat Parke  
All Parties