



Heather A. Humphrey  
 General Counsel &  
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February 23, 2011

**VIA HAND DELIVERY**

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

**STATE CORPORATION COMMISSION**

FEB 23 2011

**Re: In the Matter of the Petition of Kansas City Power & Light Company ("KCP&L) for Determination of the Ratemaking Principles and Treatment That Will Apply to the Recovery in Rates of the Cost to be Incurred by KCP&L for Certain Electric Generation Facilities Under K.S.A. 66-1239**

Dear Ms. Duffy:

Please accept for filing the original and eight (8) copies of Kansas City Power & Light Company's Petition and supporting documentation in the above-referenced matter. We are also submitting an electronic copy of the same, pursuant to K.S.A. 66-1239.

Included with this Petition are direct testimony and exhibits from ten (10) witnesses. Those witnesses, and the topics that they address in their direct testimony, are as follows:

<u>Witness</u>	<u>Subject Matter</u>
Forrest Archibald	Cost estimate
Robert N. Bell	RFP Evaluations
William Edward Blunk	Natural gas market; CO <sub>2</sub> market
Kevin E. Bryant	Demand Side Management
Michael W. Cline	Financial impacts; and questions raised in the 492 docket
Burton L. Crawford	Long-term generation plan; overview of alternatives considered; and questions raised in the 492 docket
Chris B. Giles	Background; overview of predetermination request; impact on KCP&L's Kansas revenue requirement and on customer rates; coordination with 492 docket; and question raised in the 492 docket.
Scott H. Heidtbrink	La Cygne background; overview of the environmental upgrade project; and questions raised in the 492 docket

Susan Duffy  
Executive Director  
February 23, 2011  
Page 2

Paul M. Ling	Environmental regulations, and questions raised in the 492 docket
George M. McCollister, Ph.D.	Ten-year electric load forecast

Certain information contained within the enclosed materials has been designated by KCP&L as "CONFIDENTIAL" or "CONFIDENTIAL—RESTRICTED," as set forth in more detail in the Motion for Protective Order being filed concurrently with this filing. KCP&L requests that the Commission maintain the confidential status of such designated materials in accordance with K.S.A. 66-1220a and K.A.R. 82-1-221a. The public disclosure of such information would adversely impact the financial interests of KCP&L and/or the security of KCP&L's assets. A separate public version of the aforementioned documentation with the confidential information redacted is enclosed.

The information designated as CONFIDENTIAL OR CONFIDENTIAL-RESTRICTED in the current proceeding are specifically outlined in the attached Confidential Information worksheet.

Please file-stamp the extra copy of the Petition and Direct Testimony included for that purpose, then return it to the courier. Thank you for your assistance and attention to this matter.

Respectfully submitted,



Heather Humphrey

HAH/naw/djs  
Enclosures



Kansas City Power & Light Company

Docket No.: 11-KCPE-\_\_\_\_-PRE

Date: February 23, 2011

**CONFIDENTIAL  
INFORMATION**

The following information is provided to the Kansas Corporation Commission under CONFIDENTIAL SEAL:

Page or Schedule	Line	Reason for Confidentiality from List Below
<u>Archibald:</u> FA2011-1		1,2,7 - CONFIDENTIAL-RESTRICTED
<u>Bell:</u> N/A		
<u>Blunk:</u> WEB2011-4 WEB2011-5 WEB2011-14		1,5,8 - CONFIDENTIAL-RESTRICTED 1,2,5,8 - CONFIDENTIAL-RESTRICTED 1,5,8 - CONFIDENTIAL-RESTRICTED
<u>Bryant:</u> N/A		
<u>Cline:</u> 11	7	1,5
<u>Crawford:</u> BLC_1_C BLC_2_C BLC_3_C BLC_4_C BLC_5_C BLC_6_C BLC_7_C BLC_8_C BLC_11_C BLC_12_C BLC_13_C		1,5,8 - CONFIDENTIAL-RESTRICTED 1,5,8 - CONFIDENTIAL-RESTRICTED 1,5 1,5 1,5 1,5 1,5 1,5 1,5,8 - CONFIDENTIAL-RESTRICTED 1,5,8 - CONFIDENTIAL-RESTRICTED 1,5,8 - CONFIDENTIAL-RESTRICTED
<u>Giles:</u> N/A		
<u>Heidtbrink:</u> N/A		
<u>Ling:</u> N/A		



Page or Schedule	Line	Reason for Confidentiality from List Below
<u>McCollister:</u>		
N/A		

Rationale for the “Confidential” designation is documented below:

- “1” Confidential financial information/ budget projections.
- “2” Contract terms or specifics, or contract information that could be used by existing or future vendors to the disadvantage of KCP&L.
- “3” Sensitive information that could impact pending or threatened litigation.
- “4” Advice of counsel or other paid experts, advisors or consultants.
- “5” Trade Secret or Commercially Sensitive.
- “6” Other (specify)

Rationale for the “Confidential-Restricted” designation is discussed in KCP&L’s Motion for Protective Order as follows:

- “7” The individual cost components of the La Cygne Environmental Project.
- “8” Market-sensitive information, such as projected fuel prices, projected market prices for energy, growth in demand for energy and similar items.

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Should any party challenge KCP&L’s assertion of confidentiality with respect to the above information, KCP&L reserves the right to supplement the rationale contained herein with additional factual or legal information.

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

**In the Matter of the Petition of Kansas City )  
Power & Light Company (“KCP&L”) for )  
Determination of the Ratemaking Principles )  
and Treatment That Will Apply to the )  
Recovery in Rates of the Cost to be Incurred )  
by KCP&L for Certain Electric Generation )  
Facilities Under K.S.A. 66-1239. )**

**Docket No. 11-KCPE- 581 -PRE**

**PETITION OF KANSAS CITY POWER & LIGHT COMPANY**

COMES NOW Kansas City Power & Light Company (“KCP&L”) pursuant to K.S.A. 66-1239 and files this Petition with the Kansas Corporation Commission (“Commission”) for a determination of the ratemaking principles and treatment that will apply to the recovery in rates of the costs to be incurred by KCP&L for environmental upgrades to its La Cygne Generating Station, as identified and described more fully herein. In support of this Petition, KCP&L states as follows:

**I. INTRODUCTION**

1. KCP&L is a corporation duly organized under the laws of the State of Missouri, with its principal place of business at One Kansas City Place, 1200 Main Street, Kansas City, Missouri, 64105. KCP&L is authorized to do business and is conducting business in the State of Kansas. KCP&L is an electric public utility in Kansas and holds a certificate of convenience and necessity issued by the Commission.

2. KCP&L provides electric service at retail in the state of Kansas to approximately 239,260 customers. KCP&L also provides wholesale service to nine (9) municipalities, cooperatives, agencies and customer-owned utilities which provide retail service to additional Kansas customers. KCP&L currently operates a mix of generation capacity including nuclear, wind, coal, oil and gas-fired generation with a rated capacity of approximately 4,049 MW.

3. KCP&L files this Petition pursuant to K.S.A. 66-1239(c), the relevant portions of which state:

- (1) Prior to undertaking the construction of, or participation in, a generating facility or prior to entering into a new contract, a public utility may file with the commission a petition for a determination of the rate-making principles and treatment, as proposed by the public utility, that will apply to recovery in wholesale or retail rates of the cost to be incurred by the public utility to acquire such public utility's stake in the generating facility during the expected useful life of the generating facility or the recovery in rates of the contract during the term thereof.
- (2) Any utility seeking a determination of rate-making principles and treatment under subsection (c)(1) shall as a part of its filing submit the following information: (A) A description of the public utility's conservation measures; (B) a description of the public utility's demand side management efforts; (C) the public utility's ten-year generation and load forecasts; and (D) a description of all power supply alternatives considered to meet the public utility's load requirements.
- (3) In considering the public utility's supply plan, the commission may consider if the public utility issued a request for proposal from a wide audience of participants willing and able to meet the needs identified under the public utility's generating supply plan, and if the plan selected by the public utility is reasonable, reliable and efficient.
- (4) The commission shall issue an order setting forth the rate-making principles and treatment that will be applicable to the public utility's stake in the generating facility or to the contract in all rate-making proceedings on and after such time as the generating facility is placed in service or the term of the contract commences.
- (5) The commission in all proceedings in which the cost of the public utility's stake in the generating facility or the cost of the purchased power under the contract is considered shall utilize the rate-making principles and treatment applicable to the generating facility or contract.
- (6) If the commission fails to issue a determination within 180 days of the date a petition for a determination of rate-making principles and treatment is filed, the rate-making principles and treatment proposed by the

petitioning public utility will be deemed to have been approved by the commission and shall be binding for rate-making purposes during the useful life of the generating facility or during the term of the contract.

4. KCP&L is preparing to install wet scrubbers, baghouses and a common dual-flue chimney for both La Cygne Units 1 and 2, and a selective catalytic reduction (“SCR”) system, low-nitrogen oxide (“NOx”) burners (“LNBS”), and an over-fire air (“OFA”) system for La Cygne Unit 2. As set forth herein, KCP&L is requesting predetermination of the ratemaking principles and treatment to be applied to these planned investments to its generation facilities at La Cygne Station. A ruling by the Commission is necessary, as soon as possible, but not more than 180 days following this Petition, in order for KCP&L to begin construction of these projects to meet its obligation under its agreement with the Kansas Department of Health and Environment (“KDHE”) to have in place Best Available Retrofit Technology (“BART”) by June 15, 2015. A determination by the Commission that provides certainty concerning recovery of such costs will significantly improve KCP&L’s ability to attract capital on reasonable terms.

5. All pleadings, orders, notices or other documents should be served on the undersigned counsel, and on the individuals named below:

Mary Turner  
Director, Regulatory Affairs  
Kansas City Power & Light Company  
One Kansas City Place  
1200 Main Street – 19<sup>th</sup> Floor  
Kansas City, Missouri 64105

## **II. BACKGROUND**

6. In Docket No. 04-KCPE-1025-GIE (the “1025 Docket”), KCP&L, the Commission, the Staff of the State Corporation Commission of the State of Kansas (“Staff”), the Citizens’ Utility Ratepayer Board (“CURB”), and various other interested parties conducted an

extensive investigation into the supply, delivery and pricing of electric service to be provided by KCP&L into the future. The docket culminated in a Commission-approved Stipulation and Agreement (the “1025 S&A”) executed by KCP&L, Staff, Sprint and the Kansas Hospital Association.

7. The 1025 S&A required KCP&L to undertake reasonable efforts to make certain energy infrastructure investments, including the installation of pollution control equipment at Iatan Unit 1 and La Cygne Unit 1. KCP&L completed the environmental improvements listed in the 1025 S&A except for the flue gas desulphurization (“FGD”) unit and baghouse at La Cygne Unit 1. The FGD unit and baghouse were not undertaken during the term of the 1025 S&A due to changes in circumstances occurring in the economy and the construction industry after the 1025 S&A was approved. The SCR system at La Cygne Unit 1 was completed and placed into service in May 2007, and the SCR, FGD unit and Baghouse for Iatan Unit 1 was completed and placed into service in April 2009. Company witness, Mr. Chris Giles, explains these issues more fully in his Direct Testimony filed concurrently with this Petition. Mr. Giles provides an overview of the testimony supporting this predetermination filing, addresses the regulatory background for the project, explains KCP&L’s reasons for seeking predetermination of ratemaking principles under K.S.A. 66-1239, and explains the importance of the timeframe for a ruling. As will be discussed in more detail later in this Petition, Mr. Giles’ testimony also addresses the ratemaking principles KCP&L is requesting for the La Cygne Environmental Project and the impact the proposed project will have on KCP&L’s revenue requirement and rates.



### III. DESCRIPTION OF THE FACILITY UPGRADES

8. The La Cygne Generating Station is comprised of two coal-fired units. KCP&L plans to install wet scrubbers, baghouses and a common dual-flue chimney for both the La Cygne Units 1 and 2, and an SCR and low-NOx burners for Unit 2 (collectively, the “La Cygne Environmental Project”). The target completion date for the La Cygne Environmental Project is June 1, 2015. An overview of the La Cygne Environmental Project, including background on the generating units at the La Cygne Station, an overview of the environmental upgrade project and what has transpired on the project to date, the request for proposal (“RFP”), the evaluation process, and the timeline for completion is provided in the Direct Testimony of KCP&L witness Scott Heidtbrink. Additionally, the Company’s processes which resulted in the selection of Black & Veatch as the owner’s engineer on the project, the procurement of the common chimney, and the process used in the selection of an engineering, procurement and construction (“EPC”) contractor is discussed in the Direct Testimony of KCP&L witness Robert Bell. This process is ongoing.

9. The La Cygne Environmental Project is estimated to cost \$1.23 billion for the total project, (\$281 million KCP&L Kansas jurisdictional share) excluding Allowance For Funds Used During Construction (“AFUDC”) and property taxes. The development of the cost estimate for the La Cygne Environmental Project and the components that make up the estimate is provided in the Direct Testimony of KCP&L witness Forrest Archibald.

10. The current and pending environmental rules and regulations necessitating the planned upgrades are discussed in the Direct Testimony of KCP&L witness Paul Ling. Mr. Ling explains in detail the significant current environmental regulations and active initiatives surrounding proposed legislation and rulemakings that require or impact the proposed emission

controls at the La Cygne Generating Station. Mr. Ling also addresses the current time frames for compliance with each regulation and the overall impact on the La Cygne Generating Station, including KCP&L's agreement with the KDHE as it impacts the La Cygne Environmental Project.

#### **IV. KCP&L'S CONSERVATION MEASURES AND DEMAND SIDE MANAGEMENT EFFORTS**

11. K.S.A.66-1239 requires that a Petition for predetermination include a description of the Company's conservation measures and demand side management efforts. The Direct Testimony of KCP&L witness Kevin Bryant addresses these issues on behalf of the Company.

#### **V. KCP&L'S TEN-YEAR GENERATION AND LOAD FORECAST AND POWER SUPPLY ALTERNATIVES CONSIDERED**

12. K.S.A. 66-1239 states that a predetermination Petition must include the public utility's ten-year generation and load forecasts, a description of all power supply alternatives considered to meet the public utility's load requirements, and explain why the plan selected by the public utility to meet its customer's needs is reasonable, reliable and efficient.

13. The Direct Testimony of KCP&L witness George McCollister provides a description of KCP&L's 10-year peak demand and load forecast. The Direct Testimony of KCP&L witness Burton Crawford describes KCP&L's long-term generation plan and the power supply alternatives that were considered to meet KCP&L's load requirements. Mr. Crawford also provides the modeling that shows the Net Present Value Revenue Requirement ("NPVRR") results which support the decision made by KCP&L—the La Cygne Environmental Project. Finally, the Direct Testimony of KCP&L witness Edward Blunk discusses natural gas prices, market uncertainty, issues associated with long-term contracts for natural gas and CO<sub>2</sub> market

prices. The information provided by Mr. Blunk and Mr. McCollister is used in the modeling and analysis performed by Mr. Crawford.

## **VI. REQUEST FOR DETERMINATION OF RATEMAKING PRINCIPLES AND TREATMENT**

14. The Direct Testimony of KCP&L witness Chris Giles describes the ratemaking principles KCP&L is requesting the Commission predetermine in this docket, and presents the impact of the investment in the proposed environmental facilities at the La Cygne Generating Station on KCP&L's Kansas revenue requirements and customer rates.

15. As detailed by Mr. Giles, KCP&L is requesting the Commission issue an Order that:

- Confirms that KCP&L's decision to construct and install the La Cygne Environmental Project, *i.e.*, wet scrubbers, baghouses, and a common chimney for both La Cygne Units 1 and 2, and an SCR, low-NOx burners, and an OFA system for Unit 2, is reasonable, reliable, efficient and prudent.
- Confirms that \$1.23 billion (total project, excluding AFUDC and property taxes) is a reasonable and prudent cost to construct and install the La Cygne Environmental Project. KCP&L's Kansas jurisdictional share of the project cost is approximately \$281 million.
- Confirms that amounts in excess of the project cost estimate of \$1.23 million, if any, other than the associated AFUDC and property tax, would be recoverable subject to further prudence review during a future

rate proceeding wherein KCP&L requests recovery of any such additional amounts.

- Finds that, assuming Commission approval of the project and the cost estimate, KCP&L will be allowed to implement a specific cost recovery rider for the La Cygne Environmental Project such that KCP&L will be able to reflect the investment in rates annually through the rider. The proposed rider is similar in all respects to the environmental cost recovery rider (“ECRR”) that KCP&L proposed in the 415 Docket, except that it would only include costs related to the La Cygne Environmental Project. The rider is discussed in the testimony of Mr. Giles and is attached hereto. As indicated in the proposed rider, whenever KCP&L files a rate case, the remaining balance being recovered under the rider at that time will be rolled into rates. The rider will terminate once all of the costs have been rolled into base rates.
- Finds that the applicable initial depreciable life for the La Cygne Environmental Project is 22 years consistent with the remaining depreciable life of the La Cygne Station recently approved in the 415 Docket.
- Finds that the cost of capital and rate of return applied to the La Cygne Environmental Project be consistent with what the Commission establishes generally for KCP&L’s Kansas jurisdictional business in the future.

16. In support of this Petition, the Direct Testimony of KCP&L witness Michael Cline, Vice President – Investor Relations and Treasurer of Great Plains Energy Incorporated, the parent company of KCP&L, provides Direct Testimony in this docket explaining why the predetermination sought by KCP&L in this proceeding is important to the Company’s financial stakeholders. Mr. Cline also explains the implications the Commission’s decision has for the Company’s access to and cost of capital.

**VII. THE COMMISSION’S GENERIC INVESTIGATION INTO  
PREDETERMINATION ISSUES RELATED TO KCP&L AND WESTAR.**

17. On January 27, 2011, the Commission issued an Order opening a generic investigation into KCP&L’s and Westar’s generation capabilities, including how these capabilities may be affected by environmental requirements in Docket No. 11-GIME-492-GIE (the “492 Docket”). Many of the issues identified in that Order overlap or otherwise interact with the subject matters at issue in this proceeding. As a result, the testimony being provided in support of this Petition includes information responsive to issues raised in the 492 Docket, in the event that they will assist the Commission with its consideration of KCP&L’s request for predetermination as set forth under the evidentiary standards set forth in K.S.A. 66-1239.

WHEREFORE, KCP&L requests that the Commission issue an order determining that KCP&L’s decision to construct and install the La Cygne Environmental Project is reasonable, efficient and prudent, that the estimate of \$1.23 billion excluding AFUDC and property taxes (\$281 million KCP&L Kansas jurisdictional share) is reasonable and prudent, the ratemaking principles and treatment that will apply to the recovery in rates of the costs to be incurred by KCP&L for environmental upgrades to its La Cygne Unit 1 and La Cygne Unit 2 generation

facilities, as identified and described more fully herein, and for such other and further relief as may be appropriate.

Respectfully submitted,



Heather Humphrey (Bar #17594)

General Counsel

Denise Buffington (Bar #24850)

Corporate Counsel

Kansas City Power & Light Company

One Kansas City Place

1200 Main Street – 16<sup>th</sup> Floor

Kansas City, Missouri 64105

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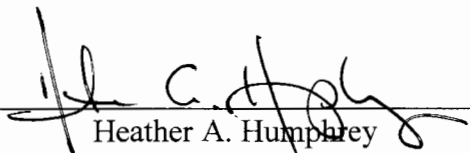
**COUNSEL FOR KANSAS CITY POWER &  
LIGHT COMPANY**

**VERIFICATION**

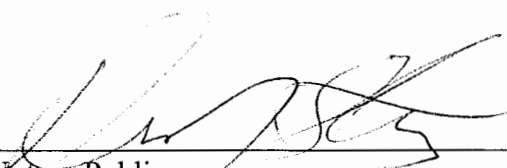
STATE OF MISSOURI     )  
  ) SS.  
COUNTY OF JACKSON    )

I, Heather A. Humphrey, being duly sworn, on oath state that I am General Counsel and Vice President of Human Resources of Kansas City Power & Light Company, that I have read the foregoing Petition and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief.

KANSAS CITY POWER & LIGHT COMPANY

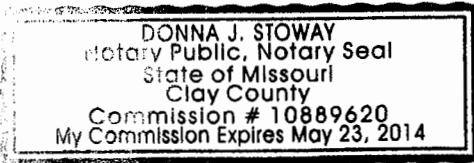
By:   
Heather A. Humphrey

The foregoing Petition was subscribed and sworn to before me this 16<sup>th</sup> day of February, 2011.

  
Notary Public

My Commission Expires:

May 23, 2014



**KANSAS CITY POWER & LIGHT COMPANY**

(Name of Issuing Utility)

Replacing Schedule \_\_\_\_\_ Sheet \_\_\_\_\_

Rate Areas 2 & 4

(Territory to which schedule is applicable)

which was filed \_\_\_\_\_

No supplement or separate understanding shall modify the tariff as shown hereon. Sheet 1 of 2 Sheets

**La Cygne Environmental Cost Recovery Rider  
Schedule LECR**

**APPLICABILITY:**

This La Cygne Environmental Cost Recovery (ECR) Rider (Schedule LECR) shall be applicable to all Kansas Retail Rate Schedules for the Company from the effective date until all of the Commission-approved Company capital investment associated with the La Cygne Environmental Project (LEP) is included in the Company's base rates. The LEP specifically includes the environmental upgrade projects for La Cygne Units 1 and 2 addressed in Commission Docket No. 11-KCPE-XXX-PRE.

**BASIS:**

LEP costs will be recovered using an LECR factor applied to each customer's bill. The LECR factor to be recovered is equal to the annual capital investment-related revenue requirement associated with the LEP undertaken by the Company. The calculation of such revenue requirement will be made in conformity with the formula stated in this Rider.

The Company shall provide a report, periodically to the Commission of its collections including a calculation of the total collected under the Rider.

**METHOD OF BILLING:**

The cents per kilowatt hour (kWh) adjustment will be determined by dividing the LEP revenue requirement by the annual applicable kWh sales.

**BASIS FOR DETERMINING ENVIRONMENTAL COST RECOVERY RIDER:**

The monthly factor shall reflect the recovery of the LEP revenue requirement as approved by the Commission. After the initial effective date, the LECR Rider factor shall be calculated annually, filed with the Commission in March and be effective for usage beginning June 1.

The following formula shall be used to calculate the annual revenue requirements for the LEP.

$$\text{LECR Factor for the LEP} = \frac{[(RB \times r) + D + OM]}{S_p} + \text{TRUE}$$

Where:

RB = The rate base associated with the LEP that form the basis of this Rider. Rate base shall be the gross plant, less accumulated depreciation, less accumulated deferred income taxes plus construction work in progress associated with the LEP.

Issued: _____ Month Day Year	FILED  THE STATE CORPORATION COMMISSION OF KANSAS
Effective: _____ Month Day Year	
By: <u>Mary Beth Turner</u> Mary Turner Director - Regulatory Affairs Title	



**KANSAS CITY POWER & LIGHT COMPANY**

(Name of Issuing Utility)

Replacing Schedule \_\_\_\_\_ Sheet \_\_\_\_\_

Rate Areas 2 & 4

(Territory to which schedule is applicable)

which was filed \_\_\_\_\_

No supplement or separate understanding shall modify the tariff as shown hereon. Sheet 2 of 2 Sheets

**La Cygne Environmental Cost Recovery Rider  
Schedule LECR (continued)**

**BASIS FOR DETERMINING LA CYGNE ENVIRONMENTAL COST RECOVERY RIDER: (continued)**

- r = The pretax rate of return derived from the Company's most recent rate review by the Commission. If there is not an approved rate of return, the Commission will work with the Company to determine an appropriate value.
- D = The depreciation expense associated with the LEP that forms the basis for this Rider.
- OM = The operation and maintenance expenses associated with the LEP that forms the basis of this Rider.
- S<sub>P</sub> = Projected kWhs to be delivered to all of the Company's Retail and Requirements Sales for Resale customers during the year in which the LECR Rider is in effect
- TRUE = The annual true-up amount for an LECR Rider, to be determined prior to filing the next LECR Rider and to be applied to the subsequent LECR factor calculation. The true-up amount will reflect any difference between the total LECR revenue collected and the costs (RB) for the previous applicable time period. Such true-up amount may be positive or negative. The true-up amount used to calculate the LECR factor for the first LECR Rider equals zero.

**RATE SCHEDULE**

**\$ per kWh**

All Retail Rate Schedules

\$0.00/kWh

Issued: \_\_\_\_\_  
Month Day Year

Effective: \_\_\_\_\_  
Month Day Year

By: Mary Britt Turner  
 Mary Turner Director - Regulatory Affairs  
Title

FILED \_\_\_\_\_

THE STATE CORPORATION COMMISSION OF  
 KANSAS

By: \_\_\_\_\_  
Secretary