

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

In the Matter of a General Investigation for)
the Purpose of Investigating Whether Annual)
or Periodic Cost/Benefit Reporting by SPP) Docket No. 17-SPPE-117-GIE
and Kansas Electric Utilities that Participate)
in SPP is in the Public Interest.)

MIDWEST ENERGY, INC. REPLY COMMENTS

COMES NOW, Midwest Energy, Inc. ("Midwest Energy"), and hereby files its reply comments responsive to the reply comments filed by the Staff of the State Corporation Commission of the State of Kansas' ("Commission" or "KCC") on May 22, 2017. In support of its reply comments, Midwest states as follows:

1. The May 22, 2017 reply comments filed by the Commission Staff request additional information and seek clarification of several statements made in the initial comments of several parties. Midwest Energy endeavors in its reply comments to provide the additional information and clarification requested by the Staff.
2. As previously noted in Midwest Energy's initial filing in this docket, Midwest Energy has discussed the matters raised by this proceeding with representatives from the Southwest Power Pool ("SPP") and other interested stakeholders on several occasions. Midwest Energy continues to support SPP's conclusions and reasoning, and endorses the reply comments filed by SPP on June 20, 2017.
3. Midwest Energy's responses to the questions (shown below in italics) raised in Staff's May 22, 2017 reply comments are as follows:

1. *Why do Sunflower and Mid-Kansas believe that the results of the RCAR process are skewed toward wind-congested hours? Any explanation or clarification of these points would be helpful to understand the current value or possible criticisms of the RCAR II study results.*
2. *Which studies performed by SPP are Sunflower and Mid-Kansas referring to that should be evaluated for actual results? RCAR II, Rate Impact Analysis, Value of Transmission? Are there specific elements of these studies that should be compared to actual results? This is an area that would be helpful to have SPP and other Kansas utilities address. What elements of the RCAR analysis can be back-cast or estimated based on actual data for discrete periods of time for Kansas utilities? Would that analysis be more or less cost effective than the estimated costs of a new study, such as the one described by KCP&L?*
3. *Please discuss in detail what specific refinements Sunflower and Mid-Kansas believe would be necessary to make the RCAR II study a usable and useful tool? Do the other Kansas utilities or SPP believe that certain refinements are necessary for the RCAR study to be a usable and useful tool? If so, please identify which refinements are necessary or possible.*
4. *What specific additional data can be “supplemented” with Kansas specific data that might help determine that Kansas customers are benefiting today from Kansas utility membership in SPP. If such additional details and information exist and can be relatively easily provided, SPP and the utilities should describe this information with some specificity so that the Commission can make an informed decision about whether any additional cost benefit studies need to be undertaken.*
5. *It would be helpful if SPP and the utilities commented specifically on which of these various benefits/costs have been captured/quantified/monetized in existing SPP studies to date. For example, RCAR II, RIA, the Value of Transmission, etc. Additionally, discussion of why these different costs/benefits have or have not been included in existing studies would be helpful for Staff’s analysis and the Commission’s deliberations. To the extent possible, Staff requests this more-detailed exit fee information from SPP or the other utilities for all the Kansas utilities.*

RESPONSE TO QUESTIONS 1-5: The Regional Cost Allocation Review (“RCAR”) analysis is required in Attachment J of the SPP Open Access Transmission Tariff (“SPP Tariff”)¹. The requirement is to “review the reasonableness of the regional allocation methodology and factors (X% and Y%) and the zonal allocation methodology at least once every three years...” and that “Any change in the regional allocation methodology and factors or the zonal allocation methodology shall be filed with the Commission.”²

¹ See SPP Tariff at Attachment J, Section III.D.

² *Id.* at Section III.D.1.

The current regional cost allocation methodology is termed Highway/Byway and was approved by the Federal Energy Regulatory Commission ("FERC") in June 2010.³ Both RCAR studies that have been completed to date only reviewed those projects that were approved under the Highway/Byway methodology starting in June 2010.

The RCAR analysis is completed under the guidance of the Regional Allocation Review Task Force ("RARTF") which is comprised of SPP Members, Regional State Committee ("RSC") members and a member of the SPP Board of Directors. The RARTF was formed in 2010 and created the RARTF Report in January 2011 that is the basis of the RCAR analysis we have used to date. The KCC has had commissioner representation on the RARTF since its inception.

The RCAR analysis is a 40 year study of the benefits and costs of the transmission system built under the Highway/Byway cost allocation methodology. The RCAR analysis looks at the adjusted production cost ("APC") savings that have been afforded the majority of the zones by the build out of the transmission system since approval of the Highway/Byway cost allocation methodology. To accomplish this, a technical analysis is performed to calculate the APC in a 5, 10 and 20 year future cases and compare those to the system with the base-case having the 2010 topology. The economic differences in these cases is the basis of the APC savings for each zone. Additional benefits are calculated as described in the RCAR II Report.⁴ All of these combined benefits are then offset by the current costs for these projects to determine a zonal benefit-to-cost ratio. The first two RCAR studies did not attempt to determine if the benefits calculate were correct.

In developing RCAR II, the RARTF was aware that a situation existed in the model where the wind generation built in the Sunflower Electric Power Corporation ("Sunflower") and Mid-Kansas Electric Company, LLC ("Mid-Kansas") areas would show to be "trapped" due to the lack of transmission in the base case used in that analysis. This situation was a known limitation prior to the start of RCAR II and the solution was vetted and voted on twice by the Economic Studies Working Group, which is the technical SPP Stakeholder group that owns the models used in the economic analysis of the transmission system.

³ See *Sw. Power Pool, Inc.*, 131 FERC ¶ 61,252 (2010), *reh'g denied*, 137 FERC ¶ 61,075 (2011).

⁴ The benefits approved to be calculated for RCAR are: Adjusted Production Cost Savings, Avoided or Delayed Reliability Projects, Capacity Savings from Reduced On-peak Losses, Mitigation of Transmission Outage Costs, Assumed Benefits of Mandated Reliability Projects, Benefit of Meeting Public Policy Goals, Increased Wheeling Through and Out Revenues, Marginal Energy Losses Benefits, Reduced Cost of Extreme Events, Reduced Loss of Load Probability, Capital Savings from reduced Minimum Required Margin. See RCAR II Final Report, Section 7 at <https://www.spp.org/spp-documents-filings/?id=20184>.

These modeling limitations are one of the reasons that both the SPP and the RARTF have undertaken an initiative to redefine the methodology for future RCAR studies. A possible new approach would capture benefits utilizing operational data from the Integrated Marketplace for the time up to the actual study date. This approach would include re-running the market engine both with the inclusion of the new transmission and then without. The differences in production costs would be captured and provide a historical benefit of the transmission based on the differences in production costs between the market runs. The future benefits could then be predicted in a similar or same way that that RCAR has been completed in the past.. By combining these two methodologies it would be possible to generate RCAR results that show actual historical results and prospective future results and not results based solely on a on a prospective modeled approach.

The RARTF has also recently completed a Rate Impact Analysis ("RIA") in December 2016. A RIA was contemplated by the RARTF in 2010 when the Highway/Byway cost allocation methodology was being approved. The thought of the RARTF at that time was to be able to look at the cost impacts of the transmission build out on average retail customers (individuals, commercial and industrial). The RIA looks at a single year where the transmission costs are the highest for the entire SPP footprint. The latest study utilized the recently completed RCAR II models and benefits information to complete this analysis.

6. *Address CURB's desire for a straightforward, transparent calculation of the retail ratepayer cost/benefit associated with SPP participation.*

RESPONSE: Midwest Energy agrees with SPP that reports provided to the KCC in response to this docket, whether they result from existing studies or a new study, should provide information about the benefits and costs of SPP services and membership so that comparisons can be made in assessing the net benefit of such participation for utilities serving ratepayers in Kansas. Some of costs and benefits are more conducive to quantification than others. It is appropriate assess a full range of factors and quantify as many of them as practicable. The underlying assumptions and the methodologies applied in such studies can be made available for review in order to facilitate verification of the results. Although the methodologies used in assessing some of the costs and benefits are complex due to the nature of the metrics, documentation can be provided in these cases to achieve the necessary degree of transparency.

7. *Paragraph 18 of the Empire, KCP&L, and Westar comments suggests that non-SPP members do not have access to the SPP integrated marketplace. This is directly contrary to the comments of SPP, Midwest, and Sunflower/Mid-Kansas. The Electric IOUs should explain this apparent discrepancy. Staff requests SPP and the utilities provide a detailed comparison of all SPP integrated marketplace activities available to members vs. non-members. The comparison should identify the full range of SPP integrated marketplace activities lost when withdrawing membership.*

RESPONSE: Midwest Energy concurs with SPP's response regarding the statement in the Electric IOUs' comments, that entities "do not have access to the SPP market unless they are members of SPP," should not be interpreted as referring to the defined and capitalized term "SPP Member." This specific term refers to a signatory to the SPP Membership Agreement and is to be distinguished from a participant in the Integrated Marketplace, which is described in the SPP Tariff. While the group of companies that are SPP Members under the SPP Membership Agreement and the group of companies that participate in the Integrated Marketplace do overlap to a substantial degree, there are SPP Members that do not participate in the Integrated Marketplace and there are companies that participate in the Integrated Marketplace and are not SPP Members.

The key point underlying the Electric IOUs' initial comments is that a distinction should be made between companies with registered load and/or power resources in the market and those without such assets. The Electric IOUs' reference to "members of SPP" in their initial comments was intended to apply to the group of companies with registered load and/or resources in the Integrated Marketplace. These loads and resources are included in the SPP Balancing Authority Area and can participate in the full range of Integrated Marketplace activities and services.

In contrast, those entities that do not have registered loads or resources in the SPP Integrated Marketplace are limited to the following market-related activity:

- a. Financial transactions, such as buying and selling Transmission Congestion Rights and executing virtual transactions;
- b. Selling energy into the market as a price taker, without affecting the price;
- c. Purchasing energy on a bilateral basis from an SPP market resource; and
- d. Purchasing or supplying operating reserves through the Reserve Sharing Group ("RSG"). However, this service is specific to those external entities who are members of the RSG and only in situations where a contingency on the system exceeds internal capabilities. The Reserve Sharing System is a function that is performed in coordination with the Integrated Marketplace but is not a component of the market.

It is important to note that energy purchases and sales, as described in items b and c above, are likely to be accompanied by pancaked transmission costs because of the need to move power across the seam of different transmission providers. The results of this pancaking effect include higher cost of such transactions and reduction in efficiency of market participation.

From the standpoint of market-related costs and benefits, the key distinction is not between companies that have become SPP Members by signing the Membership Agreement and those that have not. Rather, the vital point is whether or not the company has registered load and/or generation in the SPP Integrated Marketplace. The load and generation registered in the market are included in the SPP Balancing Authority Area and have available the full range of SPP market activities and services. Companies that do

not have registered load or generation can participate in the Integrated Marketplace, but such participation is materially limited and is accompanied by higher transaction costs.

Among the primary activities and services available to load and generation registered in the Integrated Marketplace are the following:

- a. Offer and sell energy, both day-ahead and real-time
- b. Bid for and buy energy, both day-ahead and real-time
- c. Offer and sell ancillary services: regulation (up and down), spinning reserve, and supplemental reserve; both day-ahead and real-time
- d. Bids and offers for virtual transactions
- e. Receive allocations of Auction Revenue Rights or Long-Term Transmission Congestion Rights associated with long-term transmission service
- f. Buy and sell Transmission Congestion Rights

In contrast, the scope of activities is much more limited for companies that do not have load or generation registered in the Integrated Marketplace. Transactions in which they can participate include the following:

- a. Financial transactions, such as buying and selling Transmission Congestion Rights and executing virtual transactions;
- b. Selling energy into the market as a price taker, without affecting the price;
- c. Purchasing energy on a bilateral basis from an SPP market resource; and
- d. In specific circumstances and only for certain companies, purchasing or supplying operating reserves through the Reserve Sharing Group. The Reserve Sharing System is a function that is performed in coordination with the Integrated Marketplace but is not a component of the market.

As a result, companies without loads or resources registered in the SPP Integrated Marketplace do not participate in the bids and offers used to determine locational marginal prices for energy and ancillary services. Therefore, they are price-takers and their power supply and demand are not managed through the SPP Integrated Marketplace's unit commitment and economic dispatch processes. In addition, they likely face additional costs when transacting with resources and loads in the SPP Integrated Marketplace because of pancaked rates resulting from the seam between multiple transmission providers.

8. *Empire, KCP&L, and Westar's comments identifies estimated exit fees of \$810 million for Westar, \$755 million for KCP&L, and \$150 million for Empire District. However, as noted above for Midwest Energy, there are no specific details given for how these amounts were estimated. For instance, would these fees be incurred as a one-time payment, payments over time, or through a different arrangement? Are there any other assumptions that can provide more detail to how these estimates were developed? Staff's review and the Commission's deliberations will be assisted if this information is provided in more detail.*

RESPONSE: Midwest Energy notes at the outset that how these fees will be incurred and paid is negotiated between SPP and the individual parties to the agreement. Midwest Energy concurs with SPP's June 20, 2017 comments to this question, wherein SPP noted

that the process of withdrawal and exit from the SPP RTO are covered in Section 8.7 of the SPP Bylaws⁵ and in Section 4 of the SPP Membership Agreement.⁶ As described in these two documents, there are two major financial portions of the exit/withdrawal obligations on exiting members: Existing Obligations and Financial Obligations for Transmission Facilities. Any termination with respect to a Transmission Owner shall be subject to applicable Federal and state laws and regulatory approvals and procedures.⁷ The estimates provided in SPP's comments included potential revenues.

The Existing Obligations include the following⁸:

- a. Member's unpaid annual membership fee.
- b. Member's unpaid dues, assessments, and other amounts charged under Section 3.8 of the Membership Agreement, section 8.4 of the Bylaws, or otherwise under the Bylaws, plus the Member's share of costs SPP customarily includes in such dues, assessments or other charges, but which as of the Termination Date SPP had not included in such dues, assessments or other charges.
- c. Member's share (computed in accordance with the Bylaws) of the entire principal amounts of all SPP Financial Obligations outstanding as of the Termination Date.
- d. Any costs, expenses or liabilities incurred by SPP directly due to the Termination, regardless of when incurred or payable, and including without limitation prepayment premiums or penalties arising under SPP Financial Obligations.
- e. Member's share (computed in accordance with the Bylaws) of all interest that will become due for payment with respect to all interest bearing Financial Obligations after the Termination Date and until the maturity of all Financial Obligations in accordance with their respective terms ("Future Interest").

The calculation for the Existing Obligations is: $A = 100 [0.25(1/N) + 0.75(B/C)]$

Where: A = Member's share (expressed as a percentage)

N = Total number of Members

B = The Member's previous year Net Energy for Load

⁵ See Southwest Power Pool, Inc., Bylaws, First Revised Volume No. 4 ("SPP Bylaws") at Section 8.7.

⁶ See Southwest Power Pool, Inc., Membership Agreement, First Revised Volume No. 3 ("SPP Membership Agreement") at Section 4.

⁷ See SPP Membership Agreement at Section 4.3.4.

⁸ See SPP Bylaws at Section 8.7.1.

C = Total of factor B for all Members

Financial Obligation for Transmission Facilities include:

- a. Terminated Member shall remain financially responsible for all financial obligations incurred and costs allocated to its load for transmission facilities approved prior to the Termination Date.⁹
- b. Any obligations relating to the construction of new facilities pursuant to an approved plan of SPP shall be negotiated between SPP and the Transmission Owner prior to the Termination Date so as to continue the Transmission Owner's construction obligation for facilities for which SPP has issued a notification to construct to the Transmission Owner prior to the Termination Date.¹⁰

Load Serving Entities ("LSE") are required to post a \$150,000 cash withdrawal deposit with the notice of withdrawal. Non-LSE's are required to post a \$50,000 deposit. This deposit is a pre-payment of the costs SPP incurs to process a Member's withdrawal from SPP.

9. *If the estimated fees do not reflect this estimated revenue, the utilities should explain why that is the case, and provide the best estimate possible of what these revenues would be to offset the exit fees.*

RESPONSE: The estimates provided by SPP to the KS members included potential Schedule 11 revenues.

10. *Empire, KCP&L, and Westar's comments, the companies state that KCP&L has worked with a consultant to estimate the cost of the study described in their comments. It would be helpful for Staff and the Commission to understand which consulting firm provided that estimate. Staff also requests the utilities include a copy of the budget estimate provided by the consultant for Staff and the Commission's review.*

RESPONSE: Midwest Energy has no knowledge of any communications or work done by any of the companies.

11. *Empire, KCP&L, and Westar's comments, the companies describe the overwhelming cost associated with forming a Kansas-only RTO. If the Kansas utilities exit SPP, what services currently provided by SPP would the utilities be legally required to replicate through a new regional transmission planning entity? Which services would be assumed by the utilities individually?*

⁹ See SPP Bylaws at Section 8.7.3; see also SPP Membership Agreement at Section 4.3.3A.

¹⁰ See SPP Membership Agreement at Section 4.3.3.

RESPONSE: On December 20, 1999, FERC amended its regulations under the Federal Power Act (“FPA”) to advance the formation of RTOs.¹¹ FERC Order No. 2000 established four (4) minimum characteristics and eight (8) minimum functions for a transmission entity to qualify as an RTO¹².

MINIMUM CHARACTERISTICS

Independence from Market Participants (Characteristic 1): To achieve independence, the FERC proposed that RTOs must satisfy three conditions. First, the RTO, its employees, and any non-stakeholder directors must not have any financial interests in any market participants.¹³ Second, the RTO must have a decision-making process that is independent of control by any market participant or class of participants.¹⁴ Third, the RTO must have exclusive and independent authority to file changes to its transmission tariff with the Commission under section 205 of the FPA.¹⁵

Appropriate Scope and Regional Configuration (Characteristic 2): The RTO must serve an appropriate region – a region of sufficient scope and configuration to permit the RTO to effectively perform its required functions and to support efficient and nondiscriminatory power markets.¹⁶ There are also factors to be considered to indicate that boundaries should facilitate essential RTO functions and goals, recognize trading patterns, mitigate the exercise of market power, do not unnecessarily split existing control areas or existing regional transmission entities, encompass contiguous geographic areas and highly interconnected portions of the grid, and take into account useful existing regional boundaries (such as NERC regions) and international boundaries.¹⁷

Possession of Operational Authority for All Transmission Facilities Under the RTO’s Control (Characteristic 3): An RTO must have operational authority for all transmission facilities under its control and also must be the security coordinator for its region.¹⁸ Another necessary aspect of operational control as set out by the FERC is that the RTO is also required to be the North American Electric Reliability Corporation’s (“NERC”) security coordinator for its region. The role of a security coordinator is to ensure reliability in real-time operations of the power system. The FERC mandates the RTO to operate the transmission system through

¹¹ *Regional Transmission Organizations*, Order No. 2000, 1996-2000 FERC Stats. & Regs., Regs. Preambles ¶ 31,089 (1999) (“Order No. 2000”), *order on reh’g*, Order No. 2000-A, 1996-2000 FERC Stats. & Regs., Regs. Preambles ¶ 31,092 (2000), *aff’d sub nom. Pub. Util. Dist. No. 1 v. FERC*, 272 F.3d 607 (D.C. Cir. 2001).

¹² Order No. 2000, p. 5.

¹³ Order No. 2000, n. 176 (citing FERC Stats. & Regs. ¶ 32,541 at 33,726).

¹⁴ *Id.* at n. 177 (citing FERC Stats. & Regs. ¶ 32,541 at 33,727).

¹⁵ *Id.* at n. 178 (citing FERC Stats. & Regs. ¶ 32,541 at 33,729).

¹⁶ Order No. 2000, n. 335 (citing FERC Stats. & Regs. at 33,729).

¹⁷ Order No. 2000, p. 238.

¹⁸ Order No. 2000, p. 277.

direct physical operation by RTO employees, contractual agreements with other entities (e.g., transmission owners and control area operators) or implement a hierarchical control structure involving a combination of direct and functional control.¹⁹

Exclusive Authority to Maintain Short-Term Reliability (Characteristic 4): The RTO must have exclusive authority for maintaining the short-term reliability of the grid that it operates.²⁰ It includes all time periods, including but not limited to "real-time," necessary for the RTO to satisfy its reliability responsibilities, up to the planning horizon.²¹

MINIMUM FUNCTIONS

Tariff Administration and Design (Function 1): The RTO must be the sole provider of transmission service and sole administrator of its own open access tariff. Included in this is the requirement that the RTO have the sole authority for the evaluation and approval of all requests for transmission service including requests for new interconnections.²²

Congestion Management (Function 2): An RTO must ensure the development and operation of market mechanisms to manage congestion.²³ Upon start-up, the RTO must have in place effective protocols for managing congestion while preserving reliability.²⁴

Parallel Path Flow (Function 3): An RTO should develop and implement procedures to address parallel path flow issues within its region and with other regions on the date of initial operation.²⁵

Ancillary Services (Function 4): An RTO must serve as the provider of last resort of all ancillary services required by Order No. 888 and subsequent orders.²⁶

OASIS and Total Transmission Capability (TTC) and Available Transmission Capability (ATC) (Function 5): An RTO must be the single OASIS site administrator for all transmission facilities under its control.²⁷

Market Monitoring (Function 6) RTO proposals must contain a market monitoring plan that identifies what the RTO participants believe are the appropriate monitoring activities the RTO, or an independent monitor, if appropriate, will perform.²⁸

¹⁹ Order No. 2000, p. 281.

²⁰ Order No. 2000, p. 315.

²¹ Order No. 2000, p. 316.

²² Order No. 2000, p. 330.

²³ Order No. 2000, p. 380.

²⁴ Order No. 2000, p. 386.

²⁵ Order No. 2000, pp. 390, 392.

²⁶ Order No. 2000, p. 420.

²⁷ Order No. 2000, p. 432.

Planning and Expansion (Function 7): An RTO must have ultimate responsibility for both transmission planning and expansion within its region that will enable it to provide efficient, reliable and non-discriminatory service and coordinate such efforts with the appropriate state authorities.²⁹

Interregional Coordination (Function 8): An RTO must develop mechanisms to coordinate its activities with other regions whether or not an RTO yet exists in these other regions.³⁰

Recommendations

Based upon the evidence currently available that demonstrates the benefits of participation in SPP, Midwest continues to believe that requiring a new study is not necessary or practical. Midwest recommends that the Commission find that any necessary reporting by SPP and the Kansas utilities regarding the costs and benefits to Kansas utilities and ratepayers afforded by continued SPP membership can be found with existing data and information or exists with various reports produced without a new reporting requirement or conducting an extensive and costly new study. To the extent required, current data can be supplemented to provide Kansas-specific data. SPP has recommended that the Commission have SPP and Kansas utilities provide existing information to the Commission as to the benefits of participation in the SPP RTO. SPP has also suggested that the Commission should consider having SPP file with the Commission certain reports currently produced by SPP after these reports are finalized and published on the schedule required under SPP Tariff requirements.³¹ These reports can be filed with the Commission. Based upon these filings, the Commission can decide if additional analysis or information is needed. Upon such a determination by the Commission, SPP and Kansas utilities can provide the additional information needed.

An evaluation of currently existing data to assess what additional information may be helpful would promote administrative efficiency, while still providing the information the Commission seeks.

²⁸ Order No. 2000, p. 462.

²⁹ Order No. 2000, p. 485.

³⁰ Order No. 2000, p. 494.

³¹ These filings can include the tariff required RCAR reports, Annual State of the Market Reports, STEP Reports, etc.

Respectfully submitted,

POLSINELLI PC

By: _____



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VERIFICATION

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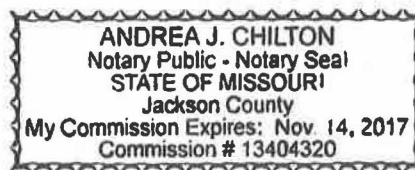
Anne E. Callenbach, being first duly sworn upon her oath, deposes and states that she is Counsel for Midwest Energy, Inc., that she has read and is familiar with the foregoing reply comments, and that the statements therein are true to the best of her knowledge, information and belief.



Anne E. Callenbach

Subscribed and sworn to before me this 21st day of June, 2017.





CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Entry of Appearance was mailed, postage prepaid, this 21st day of June, 2017, to:

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