

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

Before Commissioners:

Mark Sievers, Chairman
Ward Loyd
Thomas Wright

Received
on

MAR 23 2012

by
State Corporation Commission
of Kansas

In the Matter of the Application of)
The Kansas Power Pool ("KPP"), A)
Municipal Energy Agency, for Approval)
of Its Annual Transmission Revenue)
Requirement (ATRR) For Its Transmission)
Facilities)

Docket No. 12 KPPE-630-MIS

**ANSWER AND OBJECTION OF THE KANSAS POWER POOL TO THE
JOINT PETITION TO INTERVENE AND COMMENTS ON APPLICATION
OF SUNFLOWER ELECTRIC POWER CORPORATION AND
MID-KANSAS ELECTRIC COMPANY, LLC**

COMES NOW, The Kansas Power Pool ("KPP"), a municipal energy agency, and files this answer and objection to the intervention of Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC, in this proceeding. And in support of its answer and objection, alleges and states as follows:

1. Mid-Kansas Electric Company, LLC (Mid-Kansas) and Sunflower Electric Power Corporation (Sunflower) are not entitled to intervene in this proceeding. In fact, Sunflower and MKEC clearly state on page 4, III. Motion to Intervene, paragraph 5. "..., Sunflower and Mid-Kansas will not be directly affected by any approval of the rates proposed." In the next paragraph, page 4, paragraph 6, they state: "The impact on Sunflower and Mid-Kansas will come in the future, should TO's and their customers in other SPP Zones bear some of the KPP's ATRR costs." More clearly stated, Sunflower and Mid-Kansas are not affected by this filing.

2. Sunflower and Mid-Kansas throughout their filing make use of the following terminology such as: “substantial probability”, paragraph 7, page 5; “Should KPP seek”, page 5, paragraph 8: “The most likely future”,; page 5, paragraph 8, and finally at page 9, paragraph 18: “..., but rather creates the potential of foreclosing Sunflower and MKEC ...”.

3. Perhaps much more telling are the statements made elsewhere in the body of their Pleading. See paragraph 9, page 5 which states, “Sunflower does not serve KPP, but there are non-KPP member municipal systems served off transmission and local delivery facilities in Sunflower’s Zone”. Above that statement is paragraph 8 which states, in part, “The most likely future would directly effect Mid-Kansas, which serves KPP wholesale delivery points within the SPP, Mid-Kansas zone.” In other words, it is quite clear that this filing does not involve service to facilities within the Mid-Kansas Zone or the Sunflower Zone.

4. What then, is Mid-Kansas concern? Mid-Kansas argued strenuously in prior rate proceedings, most recently, Docket No. 12-MKEE-380-RTS, a Mid-Kansas rate filing for its Southern Pioneer Division, that KPP and the Kansas Electric Power Cooperative (KEPCo) interventions should be limited to only those issues which affected them, which MKEC characterized as the rates KPP and KEPCo directly pay i.e., Local Access Charges (LAC). In fact, the Commission in this and other proceedings has indeed limited KPP and KEPCo to matters affecting only them. Mid-Kansas and Sunflower know and admit in their Pleading that they are not affected by this proceeding, yet they persist in arguing the other side of this case by indicating that this could affect them, in their Zone, at possibly sometime in the future, maybe.

5. These arguments rest, in no small part, on the assumption that the same template

presented in this case would be used to calculate KPP's ATRR in the (as yet hypothetical) event that KPP would seek to recover costs for transmission facilities located within the Sunflower or MKEC Zones. This assumption is incorrect. The template presented in this case utilizes certain proxies based on Westar's formula transmission rates. These proxies would not be used with respect to facilities located in a zone other than Westar's. Thus, if KPP ever seeks to recover costs of transmission facilities located in other SPP Zones, it will need to either modify the current template or propose one or more separate templates for that purpose.

6. Mid-Kansas goes so far as to file this Pleading which it captions a Joint Motion to Intervene, but which turns into comments on the application, made of course, by a party who is not an intervener and asserts positions which are not a part of a Motion to Intervene. Why this all-out attack on KPP's Application needed to be made in a Motion to Intervene, escapes Counsel, but it is entirely inappropriate. In fact, legal arguments are even made as to FERC proceedings which are not an issue here and FERC is not a party. Finally, after its alleged Motion to Intervene and its comments on the Application, it launches into a protest. Sunflower and Mid-Kansas provide a summary of their concerns about the application. Mid-Kansas and Sunflower attempt to educate the Commission on how it should regulate. KPP does not believe the Commission needs the education nor Mid-Kansas and Sunflower's help in doing so. Likewise, despite some 12 pages of protests (out of the 23 pages of Pleadings, not including Exhibits) MKEC presents no arguments, nor reflects any authority which shows the Commission how this Application in anyway affects Sunflower or Mid-Kansas' costs or rates. Why? Because it does not. The request for intervention should be denied, and as a result the protest should be stricken from the record.

7. Perhaps the highlight of the filing is Mid-Kansas' assertion on page 20, paragraph

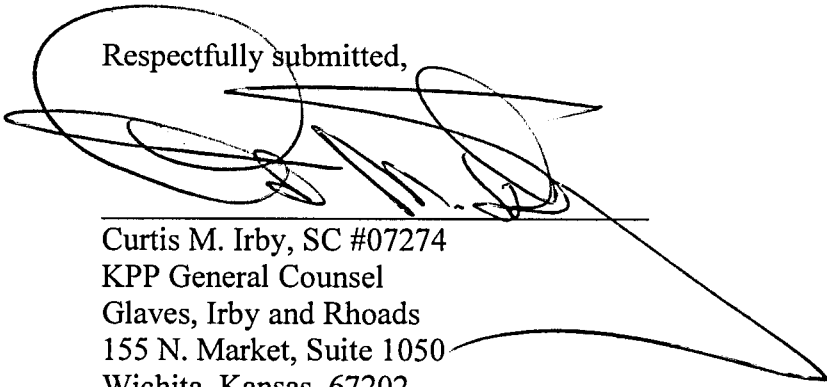
38 which states, “Again, Sunflower and Mid-Kansas are willing to wait and deal with any issues in a future Docket.” While KPP certainly appreciates the patience of Sunflower and MKEC, it reminds them of what the issue is here. The issue is: Has Mid-Kansas or Sunflower asserted a basis upon which the Commission should allow it to intervene in a case that involves only the SPP/Westar zone, and not the Mid-Kansas or Sunflower Zone? Sunflower, or MKEC customers will not be affected by any rates which come from this proceeding and the Commission should find and conclude that Sunflower and MKEC are not affected by the decision of the Commission in this matter and should have intervention denied.

8. The MKEC and Sunflower Petition to Intervene was filed on March 15, 2012. By Commission rules, K.A.R. 82-1-218 (d) “Any party may file and serve ... other proper pleading within 10 days after service upon the party of any application, petition, ...”. Unfortunately, on March 22, 2012, the Prehearing Officer issued an Order in this Docket which among other things approved Mid-Kansas and Sunflower’s Intervention. KPP will address that filing in a Petition for Reconsideration, but notes this filing is proper and timely under the Commission’s rules and that the Prehearing Officers Order approving these Interventions was premature and denied KPP’s its’ right to answer the Petition to Intervene.

9. To avoid burdening the record in this proceeding, KPP does not in this pleading seek to answer the substantive arguments raised in the Mid-Kansas/Sunflower pleading, which 4 are deeply flawed. However, KPP expressly reserves the right to submit such a substantive answer in the future if, despite the foregoing, the Commission were to grant their request for intervention.

WHEREFORE, KPP prays that the MKEC and Sunflower Intervention be denied.

Respectfully submitted,




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STATE OF KANSAS)
)ss.
COUNTY OF SEGWICK)

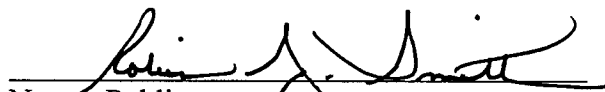
VERIFICATION

Curtis M. Irby, being duly sworn upon his oath deposes and states that he is the General Counsel of The Kansas Power Pool, that he has read and is familiar with the foregoing Answer and attests that the statements contained therein are true and correct to the best of his knowledge, information, and belief.



Curtis M. Irby,
KPP General Counsel

Subscribed and sworn to before me this 23RD day of March, 2012.

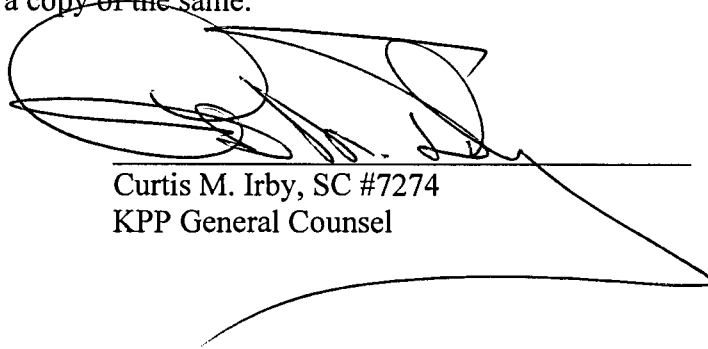


Notary Public

My Appointment Expires.
ROBIN J. SMITH
Notary Public - State of Kansas
My Appt. Expires 7-26-14

CERTIFICATE OF SERVICE

I, Curtis M. Irby, hereby certify that on the 23rd day of March, 2012, I caused a true and correct copy of the original pleading to be fax-filed with the Kansas Corporation Commission of the State of Kansas. I further certify that on the 23rd day of March, 2012, I caused the original and 7 copies of the above and foregoing Answer of the Kansas Power Pool, to be sent for overnight delivery and filing with the Executive Director of the Kansas Corporation Commission of the State of Kansas. I additionally caused all parties on the Commissions first Official Service List to be served electronically with a copy of the same.



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KPP General Counsel

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March 23, 2012

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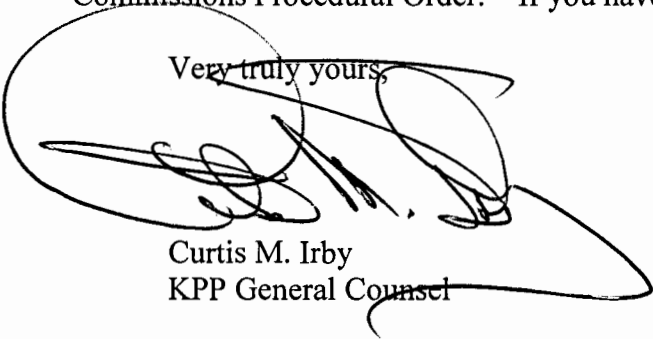
by
State Corporation Commission
of Kansas

Dear Ms. Klein:

Pursuant to the fax filing which I made today, March 23, 2012, please find the original and 8 copies of the Answer and Objection of the Kansas Power Pool to the Joint Petition to Intervene and Comments on Application of Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC . Would you please see that the same are filed of Record?

Would you also file-stamp the eighth copy and return the same to me in the self-addressed envelope? Of course, all parties are being served electronically , pursuant to the Commissions Procedural Order. If you have any questions please don't hesitate to write or call.

Very truly yours,



Curtis M. Irby
KPP General Counsel

CMI:rjs
cc: All parties on the Service List
enclosures