

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

DEC 26 2007

In the Matter of the Application of Midwest Energy, Inc. for Approval to Make Certain Changes in its Charges for Electric Service.)
) Docket No.: 08-MDWE-594-RTS

 Docket Room

MOTION FOR PROTECTIVE ORDER

COMES NOW, Midwest Energy, Inc. (“Midwest Energy”), and hereby requests that the State Corporation Commission of the State of Kansas (“Commission” or “KCC”) issue a Protective Order in this docket. In support of its motion, Midwest Energy states as follows:

1. On December 21, 2007, Midwest Energy filed a rate Application before the Commission requesting certain changes to its M and W System electric rates, and for other related relief. As part of the filing, some of the information Midwest Energy submitted is confidential and proprietary information, as defined in K.S.A. 66-1220a and K.A.R. 82-1-221a. Additionally, during the course of discovery and investigation of the rate Application, Midwest Energy anticipates that the parties, Commission Staff, CURB and interveners could seek the production of documents and information from Midwest Energy that may contain confidential, proprietary and/or commercially sensitive material.

2. The confidential information included in the rate Application falls into two broad categories: (a) highly sensitive information concerning Midwest Energy’s existing power supply portfolio and forward-looking information concerning the Company’s long-term electricity supply plan; and (b) information concerning Midwest Energy’s RFP for generation and capacity and the confidential responses received by Midwest Energy in response to the RFP.

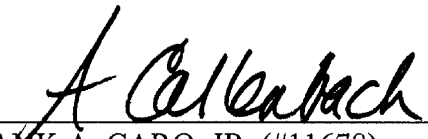
3. The public disclosure of such information would adversely impact the financial interests of Midwest Energy and/or the security of Midwest Energy's assets. Midwest Energy requests that the Commission issue its standard protective order to govern this proceeding, in order to protect Midwest Energy and parties who might be granted leave to intervene in this docket from the disclosure of sensitive, proprietary, and highly confidential information, and to facilitate the investigation of this matter.

4. Midwest Energy submits that, pursuant to K.S.A. 66-1220a, the interest in maintaining the confidential status of qualifying material, and avoiding the substantial competitive harm that otherwise would result to the parties, outweighs any interest in disclosing the material to unauthorized parties or in proceedings unrelated to the Application. For these reasons, Midwest Energy requests that the Commission issue its standard Protective Order to govern the review and protection from unwarranted public disclosure of any confidential information in this proceeding.

5. The Commission has substantial latitude in deciding when a protective order is appropriate and the degree of protection that is required. A Protective Order will enable the Commission to manage the discovery process in a manner that furthers the goal of full disclosure of relevant, non-sensitive information, while at the same time, protecting participants from harm that would result from the unregulated disclosure of commercially sensitive information.

WHEREFORE, Midwest Energy requests that the Commission grant this motion and issue the requested Protective Order and that the said Protective Order apply to all parties in this proceeding.

Respectfully submitted,


FRANK A. CARO, JR. (#11678)
ANNE E. CALLENBACH (#18488)
Polsinelli Shalton Flanigan Suelthaus, P.C.
6201 College Boulevard, Suite 500
Overland Park, Kansas 66211
(913) 451-8788
(913) 451-6205 Fax
fcaro@polsinelli.com
acallenbach@polsinelli.com

ATTORNEYS FOR MIDWEST ENERGY, INC.

VERIFICATION

STATE OF Kansas)
) ss.
COUNTY OF Johnson

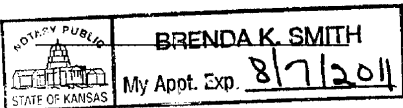
I, Anne E. Callenbach, being duly sworn, on oath state that I have read the foregoing Motion for Protective Order, and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief.

By: *A Callenbach*
Anne E. Callenbach
Counsel for Midwest Energy, Inc.

The foregoing was subscribed and sworn to before me this December 26, 2007.

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 faxed, hand-delivered and/or mailed, First Class, postage prepaid, this December 26, 2007, to:

DON LOW
DIRECTOR UTILITY OPERATIONS
KANSAS CORPORATION
COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

TOM STRATTON
GENERAL COUNSEL
KANSAS CORPORATION
COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

DAVID SPRINGE
NIKI CHRISTOPHER
CITIZENS' UTILITY RATEPAYERS
BOARD
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

