

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Investigation by the)
Commission of the Adequacy of Quality of)
Retail Service Provided by Kansas Electric) Docket No. 02-GIME-365-GIE
Public Utilities and the Prudence of)
Developing Electric Service Quality)
Standards)

ORDER ESTABLISHING PARTIES AND ASSESSING COSTS

The State Corporation Commission of the State of Kansas (“Commission”), having examined its files and records and being fully advised in the premises, finds:

1. In its November 16, 2001 Order Opening Docket, (“Order”) the Commission described the historical background supporting the need for this docket and identified subject matters to be considered. In addition, the Commission established an initial procedural schedule.

2. The Order stated: “This Order will serve as notice to all electric utilities certificated by and subject to the jurisdiction of the Commission that issues surrounding service quality are now before the Commission.” (Paragraph 10.) The Order further stated: “This Order will serve as notice to all electric utilities certificated by and subject to the jurisdiction of the Commission, and all other entities potentially interested, as evidenced by the attached certificate of service, and a copy of this Order shall be served on all such utilities or entities.” (Ordering paragraph (C).) As indicated by the Order's certificate of service, a copy of which is attached as Attachment One, all such utilities and potentially interested parties were served by mail on November 16, 2001.

3. The Commission Staff (“Staff”) filed its Response to the Order Opening Docket on November 30, 2001, serving only Kansas City Power and Light Company, (“KCPL”) the only

party that had sought intervention at that time, and Citizens' Utility Ratepayer Board, ("CURB").

4. Following the filing of the Order, in addition to KCPL the following parties filed petitions for intervention: CURB, Kansas Electric Power Cooperatives, Inc., ("KEPCO") and Kansas Electric Cooperatives, Inc. ("KEC"). In addition, Western Resources, Inc., ("WRI") Kansas Gas and Electric Company, ("KGE") KCPL and Empire District Electric Company ("Empire") filed a Joint Motion for Extension of Time. Further, counsel for UtiliCorp United Inc., d/b/a West Plains Energy ("WestPlains") and Empire filed his separate entries of appearance. Finally, it should be noted that in its filing, KEPCO requested, similar to Joint Movants, to have additional time to file its initial comments.

5. In the midst of the filings detailed in the preceding paragraph, on December 7, 2001, the Commission entered its Order Allowing Extension of Time. Pursuant to this Order, all interested utilities were allowed until January 16, 2002 to file their initial positions and proposals for a procedural schedule.

6. It is the intention of the Commission to include as parties in this proceeding the Kansas electric utilities listed in Attachment Two. It should not be necessary for such electric utility to formally intervene or to file separate entries of appearance. All filings should be served on these utilities.

7. The Commission invites participation by any entities other than the electric utilities shown on Attachment Two. Among the entities that are potentially interested in this proceeding are those who are included in Attachment One, the attached list of parties that received service of the Order. Any entities who are not listed on Attachment Two and wish to participate as parties should file for intervention. Any such parties who are allowed to intervene

should expect to have the same rights and limitations generally accorded intervening parties. The rights may be limited, as provided at K.S.A. 77-521 and K.A.R. 82-1-225. Such limitations may include: a) the intervener's participation may be limited to designated issues in which the intervener has a particular interest; b) the intervener's use of discovery, cross-examination and other procedures may be limited so as to promote the orderly and prompt conduct of the proceedings; and c) two or more interveners may be required to combine their presentations of evidence and argument, cross examination, discovery and other participation in the proceedings.

8. With regard to any municipalities seeking to represent its citizens, it is noted that the interests of residential and small commercial ratepayer citizens are represented in this proceeding by CURB. As previously determined by the Commission, such municipality's participation must be limited to representing its own interests as a municipality. See Docket No. 99-WSRE-034-COM Order No. 7, particularly paragraphs 3-5 and authorities cited therein.

9. There is a need for an assessment of costs. The necessity for this investigation was established in the Order, which incorporated notice to the utilities that they had the opportunity to file a petition for reconsideration within 15 days (plus three days for mailing) of entry of the Order. No such petition was timely filed. The electric public utilities and municipal electric utilities listed in Attachment Two are certificated by and subject to the jurisdiction of the Commission and thus are subject to assessment pursuant to K.S.A. 66-1502. The Commission finds that the expenses reasonably attributable to this investigation may exceed \$100 and should be assessed the parties listed in Attachment Two. The beginning date for this assessment should be three days after the date the Commission gives notice of the assessment, which is presumed to be the day this Order Establishing Parties and Assessing Costs is entered. The assessed utilities

are hereby notified they have an opportunity for hearing on the assessment of expenses in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*

IT IS THEREFORE ORDERED BY THE COMMISSION:

(A) The parties identified in Attachment Two are parties to this docket and should continue to receive pleadings and have the opportunity to participate in this docket.

(B) All other entities who wish to seek to become parties to this proceeding are directed to follow the procedure for intervention as set out by statute and in the Commission's rules and regulations, specifically K.S.A. 77-521 and K.A.R. 82-1-225. Such parties may be allowed to intervene subject to the rights and limitations generally accorded intervening parties.

(C) The Petitions to Intervene filed to-date, having been fully addressed in this order, are now moot and, accordingly, are dismissed. All entities that received service of the November 16, 2001 Order Opening Docket as shown on Attachment One shall receive notice of today's Order. Hereafter, service is required only on the parties to this docket.

(D) The electric public utilities and municipal electric utilities listed in Attachment Two are hereby assessed the expenses reasonably attributable to this investigation, pursuant to K.S.A. 66-1502. The assessment shall commence three days after entry of this Order.

(E) Any party may file a petition for reconsideration of this Order within 15 days of the date this Order is served. If service is by mail, service is complete upon mailing and three days may be added to the above time frame.

(F) The Commission retains jurisdiction of the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

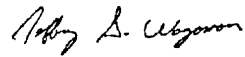
BY THE COMMISSION IT IS SO ORDERED.

Wine, Chr.; Claus, Corn.; Moline, Corn.

Dated: DEC 18 2001

ORDER MAILED

DEC 18 2001

 Executive
Director

Jeffrey S. Wagaman
Executive Director

WTS

NOV 16 2001

IN RE: DOCKET NO.

TE

PLEASE FORWARD COPIES OF THE (CERTIFICATES) (ORDERS) (NOTICES) (TESTIMONY) (MEMO) ISSUED UNDER THE ABOVE DOCKET AS FOLLOWS:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
SEE ATTACHED LIST		

ORDER MAILED NOV 16 2001

I hereby certify that on this ____ day of _____, 2001, I caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

ELECTRIC COMPANIES

Updated 8-8-00

• - Deregulated

•Kenneth J. Maginley, Manager
BLUESTEM ELEC. COOP., INC.
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•Donald Hellwig, Manager
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Updated 4-5-01

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ATTACHMENT TWO**

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