

STATE CORPORATION COMMISSION

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

FEB 12 2004

In the Matter of the Filing of Written Documents)
and Fuel Purchase Reports by Aquila, Inc. d/b/a)
Aquila Networks-WPK, as Prescribed by)
Commission Order dated September 25, 2002 in)
Docket No. 106,850-U/75-GIMC-009-GIG.)

Susan K. Duffy Docket Room

Docket No. 03-AQLE-319-ECA

In the Matter of a Compliance Filing by SEP)
Corporation d/b/a Sunflower Electric Power)
Corporation as Required by the Commission Order)
in Docket No. 106,850-U/75-GIMC-009-GIG.)

Docket No. 03-SEPE-459-ECA

In the Matter of a KEPCo Specific Docket for the)
Filing and Review of Fuel Purchase Information)
as Required by the Commission Order in Docket)
No. 106,850-U (75-GIMC-009-GIG) Dated)
September 25, 2002.)

Docket No. 03-KEPE-460-ECA

In the Matter of the Application of Midwest Energy,)
Inc. Requesting a Utility-Specific Docket and)
Submittal of a Report on Generation Fuel Purchases)
in Compliance With an Order Dated September 25,)
2002 in Docket No. 106,850-U and 75-GIMC-009-)
GIG (In the Matter of a General Investigation on the)
Commission’s Own Motion to Establish General)
Policies with Regard to Purchased Natural Gas,)
Fuel for Electric Power Generation, and Purchased)
Electric Power).)

Docket No. 03-MDWE-464-ECA

**RESPONSE OF THE STAFF OF THE STATE CORPORATION COMMISSION OF
THE STATE OF KANSAS TO REQUEST FOR CHANGE IN DOCKET DESIGNATION**

COMES NOW the Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission”, respectively) and files its Response to the request of Aquila, Inc. d/b/a Aquila Networks-WPK (Aquila), SEP Corporation d/b/a Sunflower Electric Power Corporation (Sunflower), Kansas Electric Power Corporation (KEPCo), and Midwest Energy, Inc. (Midwest) (collectively, “the Parties”) for a change in their respective docket designations to

identify each as an energy purchase review docket rather than an energy cost adjustment docket.

For its response, Staff states as follows:

1. On January 7, 2004, Sunflower filed an Application requesting that its docket designation number 03-SEPE-459-ECA be changed to 03-SEPE-459-EPR. Sunflower correctly states in the Application that its request is being made pursuant to the request of Staff for the purpose of more accurately reflecting the essence of the docket as an energy purchase review (EPR) docket.

2. On January 7, 2004, KEPCo filed its letter request indicating that its filing was made at the request of Staff seeking a docket designation change from energy cost adjustment (ECA) to energy purchase review (EPR). Accordingly, KEPCo requests that its docket designation number 03 KEPE-460-ECA be changed to 03-KEPE-460-EPR.

3. On January 29, 2004, Aquila filed its Application requesting that its docket designation number 03-AQLE-319-ECA be changed to 03-AQLE-319-EPR in response to Staff's request that the change be made in order to reflect the docket as an energy purchase review (EPR) docket.

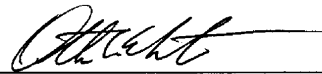
4. On February 9, 2004, Midwest filed its request for change of docket number designation, requesting that its docket designation number 03-MDWE-464-ECA be changed to 03-MDWE-464-EPR more accurately reflecting the nature of the proceeding as an energy purchase review (EPR) docket rather than an energy cost adjustment (ECA) docket. Staff noted a minor scrivener's error in the caption of the docket under which Midwest seeks a change of the three-letter suffix identifier. However, Staff counsel contacted Midwest and is assured the minor textual change was inadvertent and unintentional, and that the only change requested by Midwest is a change in the three-letter suffix identifier of the docket number designation.

5. For its response in support of the Parties' requests, Staff incorporates by reference the Memorandum of Dr. John Cita, Chief of Economic Policy and Planning, dated February 12, 2004, which is attached to this Response as Exhibit A. Staff recommends the Commission grant the requests of the Parties directing that each of the respective docket designation numbers be changed accordingly.

6. Staff has contacted counsel for Citizens' Utility Ratepayer Board (CURB) regarding the foregoing requests of the Parties and CURB has no objection to the requested changes in docket designation numbers.

WHEREFORE, Staff respectfully requests the Commission issue an order granting the Parties' requests and directing that each of the docket designation numbers be changed accordingly, and grant such other and further relief as the Commission deems appropriate.

Respectfully submitted,



Otto A. Newton #8760
Assistant General Counsel
Kansas Corporation Commission
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VERIFICATION

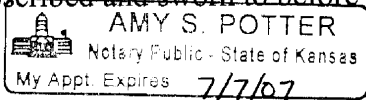
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

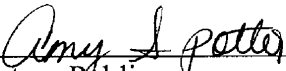
The undersigned, upon oath first duly sworn, states that he is an Assistant General Counsel for the State Corporation Commission of the State of Kansas, that he has read the Response of the Staff to Request for Change in Docket Designation, that he is familiar with the contents thereof, and that the statements contained therein are true and correct to the best of his knowledge and belief.



Otto A. Newton

Subscribed and sworn to before me this 12th day of February, 2004.






Notary Public

My appointment expires: 7/7/07

Exhibit A

Memorandum

To: Chair Brian J. Moline
Commissioner John Wine
Commissioner Robert E. Krehbiel

From: John Cita 

Date: February 12, 2004

RE: Requests to Change Designation of Docket Nos. 03-AQLE-319-ECA,
03-SEPE-459-ECA, 03-KEPE-460-ECA, and 03-MDWE-464-ECA

Since September 2001, the Commission has required its jurisdictional gas public utilities to submit monthly gas purchase reports (GPRs). Subsequently, the Commission required those electric public utility companies that rely on ECA provisions to file monthly energy purchase reports (EPRs). While there is some nexus between the ECA provisions and the filing of EPRs, Staff's review and evaluation of EPRs is in no way connected with the sort of evaluation that may occur with ECA-type issues generally. Arguably, the GPR and EPR dockets have a definite compliance component where ECA dockets may not. To more accurately reflect the nature of the proceeding and Staff's review efforts, and to be more consistent with the descriptions and (analogous) docket designations used on the natural gas side, Staff has urged Aquila, Inc., d/b/a Aquila Networks-WPK (Aquila); SEP Corporation d/b/a Sunflower Electric Power Corporation (Sunflower); Kansas Electric Power Cooperative, Inc. (KEPCo); and Midwest Energy, Inc. (Midwest) to request changing their respective docket designations to reflect the dockets as EPR rather than ECA dockets. Staff has explained to each of the Companies the reasoning behind its request and they have responded accordingly. The requested change in docket designation includes substituting the three-letter suffix identifier "EPR" in place of the existing "ECA" suffix identifier in each of the docket designations. The requested changes constitute changing the four existing docket designations to the following:

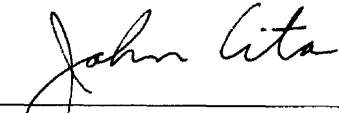
Change Aquila's Docket No. 03-AQLE-319-ECA to Docket No. 03-AQLE-319-EPR
Change Sunflower's Docket No. 03-SEPE-459-ECA to Docket No. 03-SEPE-459-EPR
Change KEPCo's Docket No. 03-KEPE-460-ECA to Docket No. 03-KEPE-460-EPR
Change Midwest's Docket No. 03-MDWE-464-ECA to Docket No. 03-MDWE-464-EPR

Having been the initiator, Staff certainly urges the Commission to grant the requested docket designation changes. Staff sees these requests as being little more than "house keeping" in nature. Moreover, given the current effort to compile a compliance calendar, changing the docket numbers as requested is largely complementary to that effort.

VERIFICATION

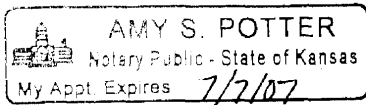
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

John Cita, being duly sworn upon his oath, deposes and states that he is Chief of Economic Policy and Planning for the State Corporation Commission of the State of Kansas, that he prepared the above and foregoing Memorandum and is familiar with the contents thereof, and that the statements contained therein are true and correct to the best of his knowledge and belief.



John Cita

Subscribed and sworn to before me this 12th day of February, 2004.





Notary Public

CERTIFICATE OF SERVICE

03-KEPE-460-ECA 03-MDWE-464-ECA
03-AQLE-319-ECA & 03-SEPE-459-ECA

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Response was placed in the United States mail, postage prepaid, or hand-delivered this 12th day of February, 2004, to the following:

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03-KEPE-460-ECA 03-MDWE-464-ECA
03-AQLE-319-ECA & 03-SEPE-459-ECA

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