

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Brian J. Moline, Chair
 Robert E. Krehbiel
 Michael C. Moffet

In the Matter of Midwest Energy Seeking)
Commission Approval to Implement a Pay-) Docket No. 07-MDWE-788-TAR
As-You-Save Program for its Electric)
Service.)

ORDER SCHEDULING BRIEFS

NOW COMES the above matter for consideration and determination by the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records and being duly advised in the premises, the Commission finds and concludes as follows:

1. On January 29, 2007, Midwest Energy, Inc. (Midwest) filed a tariff rider to implement a pilot energy efficiency program in its electric service areas. The rider was originally identified as the Pay-As-You-Save Rider, but the designation has been changed to the HowSmartsm Rider in the amended tariff rider and implementing documents.

2. On February 1, 2007, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene, which was granted by Commission Order on March 2, 2007.

3. On February 2, 2007, the Commission entered two orders, a Suspension Order, which suspended the tariff filing and deferred the effective date for not more than 240 days, and an Order Assessing Costs.

4. On May 17, 2007, Midwest, CURB, and the Commission Staff (Staff) (collectively, "the Parties") filed a Stipulation and Agreement with the Commission requesting that the Commission accept the Stipulation and Agreement in its entirety including a briefing schedule to address the issues set forth in paragraph 5 below.

5. CURB does not agree that the How\$martsm pilot program should be offered as a tariffed service. CURB believes that if the How\$martsm pilot program is offered as a tariffed service then the How\$martsm pilot program should be considered a special service under the Commission's Billing Standards, and should not be considered a regular utility service that could result in:

a. Disconnection for failure to pay charges due under the How\$martsm pilot program per the Commission's Billing Standards.

b. Bad debts incurred under the How\$martsm pilot program being recoverable in future rate filings.

6. The Parties requested that the Commission require briefs to be filed on or before June 8, 2007, addressing the issues set forth in paragraph 5 above.

7. The Commission finds the above briefing schedule is reasonable. The briefing schedule allowing briefs to be filed on or before June 8, 2007, is adopted by the Commission.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The briefing schedule set forth above is ordered. The Parties shall file briefs on or before June 8, 2007, addressing the issues set forth in paragraph 5 above.

B. The parties have fifteen days, plus three days if service is by mail, from the date the order was served in which to petition the Commission for reconsideration of any issues decided herein. K.S.A. 66-118; K.S.A. 2006 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated: MAY 29 2007

ORDER MAILED

MAY 29 2007

 Executive
Director

Susan K. Duffy
Executive Director

SBC:jmf