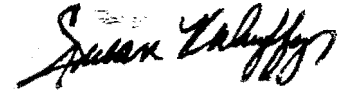


**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

STATE CORPORATION COMMISSION

Thomas E. Wright, Chairman
Joseph F. Harkins
Ward Loyd

JAN 07 2011



In the Matter of the Application of Mid-)
Kansas Electric Company, LLC, for Approval)
to Make Certain Changes in Its Charges for)
Electric Service.)

Docket No. 11-MKEE-439-RTS

**JOINT MOTION OF COMMISSION STAFF AND
THE CITIZEN’S UTILITY RATEPAYER BOARD TO LIMIT INTERVENTION
OF KANSAS ELECTRIC POWER COOPERATIVE AND KANSAS POWER POOL**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) and the Citizen’s Utility Ratepayer Board (CURB) hereby files this joint motion requesting the Commission limit the intervention sought by the Kansas Electric Power Cooperative, Inc. (KEPCo) and the Kansas Power Pool (KPP) in the above-captioned docket.

1. On December 14, 2010, Mid-Kansas Electric Company, LLC (Mid-Kansas) filed an Application with the Commission for approval to make certain changes in its charges for electric services offered by one of its cooperative members, Wheatland Electric Cooperative, Inc. (Wheatland). As part of its Application Mid-Kansas requested “deferral and reservation by the Commission of the classification of the 34.5kV and appropriate lower voltage facilities as provided for at paragraphs 10 and 11 of the Stipulation and Agreement approved by the Commission”¹ in Docket No. 09-MKEE-969-RTS (the 969 Docket).

2. On January 3, 2011, KEPCo filed a Petition to Intervene in the above-captioned docket. In support of its Petition, KEPCo stated that it “delivers electric service to three of its members through delivery points on the 34.5 kV system owned and operated by Wheatland” and as such will “be directly affected by the change in rate for local delivery service proposed by

¹ Mid-Kansas Application, December 14, 2010. ¶ 12.

Applicant, and...may be bound by any Commission order or activity in this proceeding, and...may be adversely affected thereby.”²

3. On January 4, 2011, KPP also filed a Petition to Intervene in the above-captioned docket. In support of its petition KPP stated that “[t]he rates paid and the services received by KPP member cities will be affected by any Commission order in this proceeding.”³

4. The Commission has authority to limit interventions in this docket through K.S.A. 77-521, and repeated in K.A.R. 82-1-225, which provides in relevant part:

(c) If a petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor’s participation, either at the time that intervention is granted or at any subsequent time.

The conditions may include the following:

- (1) Limiting the Intervenor’s participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;
- (2) limiting the intervenor’s use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings.

5. The Kansas Court of Appeals has interpreted the purpose of K.S.A. 77-521(c) to be the following:

Subsection (c), authorizing the presiding officer to impose conditions upon the intervenor’s participation in the proceedings, is intended to permit the presiding officer to facilitate reasonable input by interveners, without subjecting the proceedings to unreasonably burdensome or repetitious presentations by intervenors. (CURB v. KCC, 24 Kan. App. 2d 63, 69, rev. denied, 262 Kan. 959 (1997); citing Comment, 1981 Uniform State Administrative Procedure Act § 4-209, 15 U.L.A. 84 (1990).

6. Staff and CURB do not wholly object to the Petitions to Intervene filed by KEPCo and KPP but encourage the Commission to limit the interventions to the issues articulated in the Petitions.

² KEPCo Petition to Intervene, January 3, 2011, ¶¶ 4-5.

³ KPP Petition to Intervene, January 4, 2011, ¶4.

7. Furthermore, Staff and CURB support Mid-Kansas' request to defer and reserve the 34.5 kV line classification issue and request the Commission take up the issue in the Commission's 969 Docket or other related docket.

8. As the Commission is aware, Mid-Kansas made a filing on December 30, 2010 in the 969 Docket pursuant to an agreement of the parties involved in the Commission's 11-MKEE-011-COM docket (the 011 Docket). The 011 Docket was initiated to address specific contracts anticipated to be filed in accordance with the Stipulation and Agreement approved in the 969 Docket. It is Staff and CURB's understanding that the December 30, 2010 filing is intended to address not only the certain contracts between Mid-Kansas and KPP and KEPCo but also the 34.5 kV line classification issue. Because the provisions of the contracts will be affected by the outcome of a Commission decision regarding the classification of 34.5 kV lines it is logical for the two issues to be addressed in the same docket. Further, if the Commission agrees and decides to take up the line classification issue in the 969 Docket, or related docket, there is no need to burden the instant Mid-Kansas/Wheatland docket with redundancy. As such, Staff and CURB encourage the Commission to address the contracts and line classification issues together in a docket separate from the revenue requirement determination contained in the current Mid-Kansas Application filed on behalf of Wheatland.

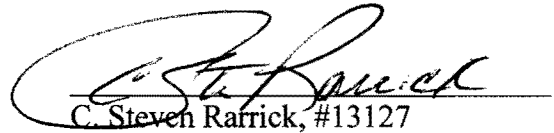
WHEREFORE, Staff and CURB respectfully request the Commission grant Staff and CURB's joint motion requesting limitation of the interventions sought by KEPCo and KPP, and deferral of the 34.5 kV line classification issue to the 969 Docket or other related docket.

Respectfully submitted,



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ATTORNEYS FOR STAFF

A handwritten signature in cursive script, appearing to read "C. Steven Rarrick", is written over a horizontal line.

C. Steven Rarrick, #13127

Citizen's Utility Ratepayer Board

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STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

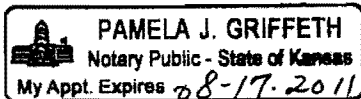
VERIFICATION

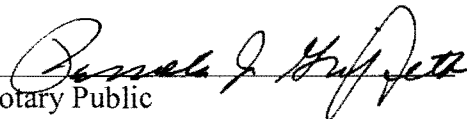
Terri J. Pemberton, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas, that she has read and is familiar with the foregoing *Joint Motion of Commission Staff and the Citizens' Utility Ratepayer Board to Limit Intervention of Kansas Electric Power Cooperative and Kansas Power Pool*, and that the statements contained therein are true and correct to the best of her knowledge, information and belief.



Terri J. Pemberton # 23297
Attorney for Commission Staff
Kansas Corporation Commission of the
State of Kansas

Subscribed and sworn to before me this 7th day of January, 2011.





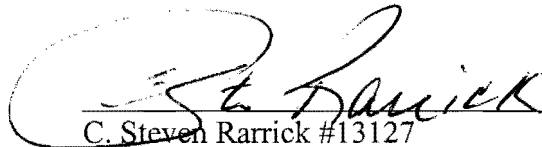
Notary Public

My Appointment Expires: August 17, 2011.

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

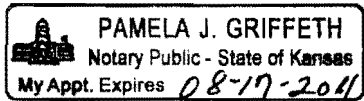
VERIFICATION

C. Steven Rarrick, being duly sworn upon his oath deposes and states that he an Attorney for the Citizens' Utility Ratepayer Board, that he has read and is familiar with the foregoing *Joint Motion of Commission Staff and the Citizens' Utility Ratepayer Board to Limit Intervention of Kansas Electric Power Cooperative and Kansas Power Pool*, and that the statements contained therein are true and correct to the best of his knowledge, information and belief.



C. Steven Rarrick #13127
Attorney for Citizens' Utility Ratepayer Board

Subscribed and sworn to before me this 7th day of January, 2011.





Notary Public

My Appointment Expires: August 17, 2011.

CERTIFICATE OF SERVICE

11-MKEE-439-RTS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Joint Motion was placed in the United States mail, postage prepaid, or hand-delivered this 7th day of January, 2011, to the following:

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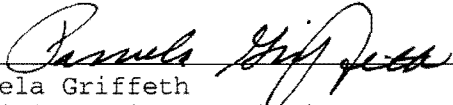
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Pamela Griffeth
Administrative Specialist