

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

Before Commissioners:        Brian J. Moline, Chair  
                                      John Wine  
                                      Robert E. Krehbiel

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        )        Docket No. 03-AQLE-319-ECA  
Commission Order dated September 25, 2002 in        )  
Docket No. 106,850-U/75-GIMC-009-GIG.        )

In the Matter of a Compliance Filing by SEP        )  
Corporation d/b/a Sunflower Electric Power        )        Docket No. 03-SEPE-459-ECA  
Corporation as Required by the Commission Order        )  
in Docket No. 106,850-U/75-GIMC-009-GIG.        )

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        )        Docket No. 03-KEPE-460-ECA  
No. 106,850-U (75-GIMC-009-GIG) Dated        )  
September 25, 2002.        )

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- )        Docket No. 03-MDWE-464-ECA  
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).        )

**ORDER**

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

## **I. BACKGROUND**

1. On January 7, 2004, SEP Corporation, d/b/a Sunflower Electric Power Corporation (Sunflower), filed an Application requesting that its docket designation number 03-SEPE-459-ECA be changed to 03-SEPE-459-EPR. Sunflower indicates that its request is made for the purpose of more accurately reflecting the essence of the docket as an energy purchase review (EPR) docket.

2. On January 7, 2004, Kansas Electric Power Corporation (KEPCo) filed a letter request seeking to change its docket designation number 03-KEPE-460-ECA to 03-KEPE-460-EPR, identifying the docket as an energy purchase review (EPR) docket rather than an energy cost adjustment (ECA) docket.

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, referencing Staff's request that the company make such a filing in order to change the docket designation reflecting it as an energy purchase review (EPR) docket.

4. On February 9, 2004, Midwest filed a request for change of docket number designation requesting that its docket designation number 03-MDWE-464-ECA be changed to 03-MDWE-464-EPR to more accurately reflect the nature of the proceeding as an energy purchase review (EPR) rather than an energy cost adjustment (ECA) docket.

5. On February 12, 2004, the Commission Staff (Staff) filed its Response, incorporating as Exhibit A thereto the Memorandum of Dr. John Cita, Chief of Economic Policy and Planning, in support of the requests of Aquila, Sunflower, KEPCo, and Midwest (collectively, "the Parties") for a Commission order changing their respective docket designations identifying each as an energy purchase review (EPR) docket.

## **II. DISCUSSION**

6. The Parties indicate that their respective filings for a change in docket designation were made at the request of Staff for the purpose of more accurately identifying the dockets as energy purchase review (EPR) dockets rather than energy cost adjustment (ECA) dockets. Staff's Response confirms and supports each of the Parties' requests. In his Memorandum, Dr Cita points out that while there is some nexus between the ECA provisions and the filing of EPRs, Staff's review and evaluation of EPRs is not connected with the kind of evaluation that may occur with ECA-type issues generally. Dr. Cita further states that arguably, gas purchase report (GPR) and energy purchase review (EPR) dockets have a definite compliance component where energy cost adjustment (ECA) dockets may not. To more accurately reflect the nature of the respective proceedings 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 the Parties to make their respective requests of the Commission. Staff recommends that the requests of the Parties be granted and that the respective docket designation numbers be changed to identify each as an energy purchase review (EPR) docket. There is no objection to the Parties' requests.

## **III. FINDINGS**

7. The Commission, pursuant to K.S.A. 66-104 and K.S.A. 66-1,200 *et seq.*, has jurisdiction over public utilities and the subject matter of these requests. Each of the Parties is a certificated public utility authorized to transact the business of a public utility within the State of Kansas and therefore, subject to the jurisdiction of the Commission.

8. The Commission finds that the requests of the Parties, supported by Staff, to change their respective docket designation numbers identifying each as an energy purchase

review (EPR) docket rather than energy cost adjustment (ECA) docket are reasonable, in the public interest, and should be approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

(A) The requests of Aquila, Sunflower, KEPCo, and Midwest are hereby approved and the designations for each of the above captioned dockets are hereby changed to 03-AQLE-319-EPR; 03-SEPE-459-EPR; 03-KEPE-460-EPR; and 03-MDWE-464-EPR, respectively. The Commission's approval of the Parties' requests represents an authorized change in docket designation number only and shall not affect the substance of any prior proceedings or orders issued in these dockets.

(B) A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame.

(C) The Commission retains jurisdiction over 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.**

Dated: FEB 13 2004

Moline, Chair; Wine, Comm; Krehbiel, Comm.

**ORDER MAILED**

FEB 13 2004

 Executive Director

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Susan K. Duffy  
Executive Director

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