

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Application of Midwest )  
Energy, Inc. for Approval of its 2017 Update )  
to the Annual Transmission Revenue ) Docket No. 17-MDWE-495-TFR  
Requirement (ATRR) Associated With its )  
Transmission Formula Rate. )

**ORDER ACKNOWLEDGING PROTOCOLS  
AND RESCINDING SUSPENSION ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

**I. PROCEDURAL BACKGROUND**

1. On May 10, 2017, Midwest Energy, Inc. (Midwest) filed an Application for Approval of its 2017 Update to the Annual Transmission Revenue Requirement (ATRR) Associated with its Transmission Formula Rate.<sup>1</sup>
2. On May 25, 2017, the Commission issued a Suspension, Protective and Discovery Order.<sup>2</sup>

**II. TRANSMISSION FORMULA RATE PROTOCOLS**

3. Midwest's 2017 Update to its ATRR follows a process previously established in Docket No. 16-MDWE-324-TFR (TFR Protocols).<sup>3</sup> Midwest's TFR Protocols, among other

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<sup>1</sup> Midwest Energy, Inc. 2017 Transmission Formula Rate Filing (May 10, 2017).

<sup>2</sup> Suspension Order, Protective Order and Discovery Order (May 25, 2017).

<sup>3</sup> See *Order Approving Unanimous Settlement Agreement*, Docket No. 16-MDWE-324-TFR, Exhibit B (Aug. 25, 2016) (Midwest TFR Protocols).

things, detail the annual update process for its ATRR applicable to services for a given rate year.<sup>4</sup> Midwest's TFR Protocols further detail the review process associated with examining Midwest's annual ATRR update,<sup>5</sup> as well as preliminary and formal challenge processes interested parties may initiate if necessary.<sup>6</sup>

4. Midwest's TFR Protocols state Midwest's annual updates shall be filed in a compliance docket with a TFR designation in which all future transmission formula rate filings will be filed under.<sup>7</sup> The instant proceeding contains Midwest's first annual update submitted in accordance with Midwest's TFR protocols approved in Docket No. 16-MDWE-324-TFR. Accordingly and as contemplated by Midwest's TFR Protocols, the Commission finds and concludes this docket shall serve as the compliance filing docket for Midwest's future ATRR updates until a change is so requested and approved. The Commission acknowledges the TFR Protocols previously approved by the Commission in Docket No. 16-MDWE-324-TFR shall continue to govern this and all future Midwest ATRR updates until a change is so requested and approved.

### **III. RECISION OF SUSPENSION ORDER**

5. The Commission has reviewed the filings contained within this proceeding, and determined future filings submitted in this docket shall be governed by Midwest's TFR protocols.

6. Upon review of the submissions in this docket and application of Midwest's TFR protocols, it now appears a Suspension Order is unnecessary. Midwest's annual ATRR update submitted in this proceeding is not a request to change the TFR template previously approved by the Commission, and accordingly does not trigger the rate change procedures contained within

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<sup>4</sup> See *id* at p. 3.

<sup>5</sup> See *id.* at pp. 4-5.

<sup>6</sup> See *id.* at pp. 6-7.

<sup>7</sup> See Midwest TFR Protocols, p. 3.

K.S.A. 66-117. Accordingly, the Commission finds and concludes suspension of the docket is no longer required. The Commission reserves the right to suspend any proceeding that invokes the rate change procedures of K.S.A. 66-117 in the future should a full investigation of a proposed rate change be required.

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

A. The protocols contained within Exhibit B to the Settlement Agreement approved by the Commission in Docket No. 16-MDWE-324-TFR shall govern all Annual Transmission Revenue Requirement updates submitted in this docket.

B. The provisions of the Suspension Order issued in this docket on May 25, 2017, are hereby rescinded.

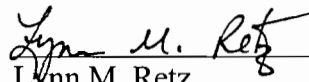
C. Parties have 15 days, plus three days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration or request a hearing, as provided in K.S.A. 77-542.<sup>8</sup>

D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: **AUG 22 2017**

  
Lynn M. Retz  
Secretary to the Commission

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<sup>8</sup> See also K.S.A. 66-118b; K.S.A. 77-529(a)(1).

Order Mailed Date

**AUG 23 2017**

## **CERTIFICATE OF SERVICE**

17-MDWE-495-TFR

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **AUG 22 2017**.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe

**Order Mailed Date**

**AUG 23 2017**