

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

**FEB 23 2012**

In the Matter of the Application of )  
Sunflower Electric Power Corporation )  
for an Order Approving WPA rate in WHM-12 )

by  
State Corporation Commission  
Docket No. 06-SEPE-1203-CON

**COMMENTS OF KANSAS ELECTRIC POWER COOPERATIVE, INC  
ON APPLICATION FOR APPROVAL OF WPA RATE IN WHM-12**

COMES NOW Kansas Electric Power Cooperative, Inc. (KEPCo) and  
submits the following comments on the Application for Approval of WPA Rate in  
WHM-12 (WHM Application) by Sunflower Electric Power Corporation  
(Sunflower) filed in this docket on February 13, 2012.

1. Although the WHM Application unambiguously requests approval of  
a change in rate (WHM-10 to be replaced by WHM-12) for service to KEPCo,  
Sunflower, for reasons it does not explain, filed its application for approval of the  
rate change in this docket, originally docketed for approval of the service contract  
between Sunflower and KEPCo, the Wholesale Power Agreement (WPA).  
KEPCo does not object to Sunflower's filing procedure, if the Commission  
accepts it, so long as the Commission recognizes that the Application seeks a  
change in rate as contemplated by K.S.A. 66-117.

2. Assuming this matter proceeds in this docket, KEPCo was  
previously granted intervenor status and will not repeat a request for intervention  
but offers the following comments.

3. Sunflower introduces its application with a summary of the  
procedural history of this docket, including prior rate changes. KEPCo does not  
dispute this procedural history except to point out that in the April 19, 2010 Order

approving the parties' Stipulation and Agreement and approving WHM-10, the Commission explicitly held, in Ordering Paragraph C, that

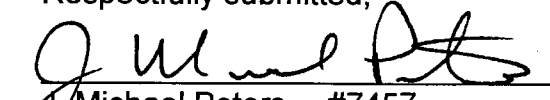
In the event of future changes to the WHM Rate, Sunflower will, after engaging in the discussions with KEPCo called for in the WPA and pursuant to the terms of the S&A, file its proposed new WKM rate for Commission approval for application to KEPCo, to be approved and reviewed under such scope of review as may be determined by the Commission.

4. KEPCo notes that the Sunflower board approved WHM-12 for application to its members effective January 1, 2012. The form of Schedule WHM-12 attached to the WHM Application as SEPC-1 includes the January 1, 2012 effective date notation. Because the WHM Application does not seek an order making WHM-12 effective as to KEPCo on January 1, 2012, KEPCo does not believe that including a copy of the WHM-12 tariff applicable to the Sunflower members was intended to, or could, have the effect of such a retroactive effective date as to KEPCo. If such a request were to be implied from the use of the January 1, 2012 effective date applicable to the Sunflower Members, then KEPCo would respectfully object.

5. KEPCo agrees with the recitation in the WHM Application that it participated in the described discussions and, at this time, has no substantive disagreement with the terms of the WHM-12 rate. KEPCo does not suggest what review, if any, the Commission should give the WHM Application but will state that KEPCo agrees that the WHM-12 schedule can be put into effect as to KEPCo at any time prospective to its filing that is consistent with K.S.A. 66-117, although for administrative purposes, the new rate should become effective on the first day of a month subsequent to its filing. KEPCo respectfully requests that

the form of the WHM-12 schedule which is to be effective for KEPCo carry a notation as to the effective date approved by the Commission.

Respectfully submitted,



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J. Michael Peters #7457

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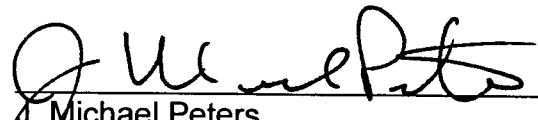
Email: [mpeters@kepco.org](mailto:mpeters@kepco.org)

VERIFICATION

STATE OF KANSAS            )  
                                      ) SS:  
COUNTY OF SHAWNEE        )

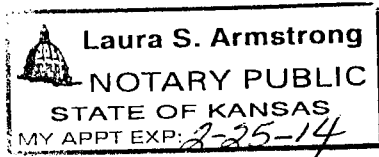
J. Michael Peters, of lawful age, being first duly sworn upon oath states:

That he is the Vice President of Administration and General Counsel for the Kansas Electric Power Cooperative, Inc. (KEPCo) in this matter; that he has read and is familiar with the foregoing document, and that he believes that the statements made therein are true and correct to the best of his information, knowledge, and belief.

  
J. Michael Peters

Subscribed and sworn to before me this 23<sup>rd</sup> day of February, 2012.

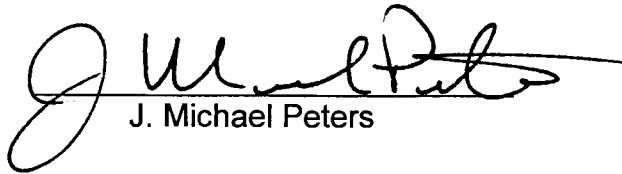
  
Notary Public



CERTIFICATE OF SERVICE  
(06-SEPE-1203-CON)

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing was placed in the United States mail, postage prepaid, this 23<sup>rd</sup> day of February, 2012, addressed to the following:

Mark D. Calcara  
Watkins Calcara, Chtd.  
1321 Main St, Ste 300  
Great Bend, KS 67530  
[mcalcara@sunflower.net](mailto:mcalcara@sunflower.net)

  
J. Michael Peters