2012.08.06 16:59:46
Kansas Corporation Commission
/S/ Patrice Petersen-Klein
Received
on

## BEFORE THE STATE CORPORATION COMMISSION AUG 0 6 2012 OF THE STATE OF KANSAS

by State Corporation Commission of Kansas

In the Matter of the Application of Mid-Kansas ) Electric Company, LLC for Approval to Make ) Certain Changes in its Charges for Electric ) Service in the Geographic Service Territory ) Served by Lane Scott Electric Cooperative, Inc. )

Docket No.: 12-MKEE-410-RTS

## **MOTION FOR PROTECTIVE ORDER**

Mid-Kansas Electric Company, LLC (Mid-Kansas), hereby moves the State Corporation Commission of the State of Kansas ("Commission" or "KCC") to issue a Protective Order in this docket. In support of its motion, Mid-Kansas states:

- 1. On August 6, 2011, Mid-Kansas filed a rate case Application and supporting schedules for the geographic service territory served by its member owner Lane-Scott Electric Cooperative, Inc. ("Lane-Scott"). In anticipation of the rate case filing Commission Staff (Staff) issued to Mid-Kansas and Lane-Scott a series of standard data requests used to assist Staff in conducting investigations into matters of this nature. Some of the information sought by Staff is confidential, proprietary and/or commercially sensitive material, as defined in K.S.A. 66-1220a, and K.A.R. 82-1-221a.
- 2. The Citizens' Utility Ratepayers Board ("CURB") filed to intervene on January 6, 2012, and other entities may file to intervene as the docket proceeds. Therefore Mid-Kansas requests that the Commission issue its standard protective order to govern this proceeding, in order to protect Mid-Kansas and parties who might be granted leave to intervene in this docket from disclosure of sensitive, proprietary, and highly confidential information, and to facilitate the investigation of this matter.

- 3. Mid-Kansas submits that the interest in maintaining the confidential status of qualifying material and avoiding the harm that otherwise would result to the parties outweighs any interest in disclosing the material to unauthorized parties or in proceedings unrelated to the Application. For these reasons, Mid-Kansas requests that the Commission issue its standard Protective Order in this proceeding.
- 4. The Commission has substantial latitude in deciding when a protective order is appropriate and the degree of protection that is required. A Protective Order will enable the Commission to manage the discovery process in a manner that furthers the goal of full disclosure of relevant, non-sensitive information, while at the same time protecting participants from harm that could result from the unregulated disclosure of commercially-sensitive information.

WHEREFORE, Mid-Kansas respectfully requests that the Commission issue the requested Protective Order and that the said Protective Order apply to all parties in this proceeding.

Respectfully submitted,

Lindsay Shepard, (#23276) 301 W. 13th Street PO Box 1020 Hays, Kansas 67601-1020 (785) 623-6618 telephone (620) 282-2070 facsimile lshepard@sunflower.net

Mark D. Calcara, (#09957) Watkins Calcara, Chtd. Suite 300, 1321 Main Street P. O Drawer 1110 Great Bend, Kansas 67530 (620) 792-8231 telephone (620) 792-2775 facsimile mcalcara@wcrf.com Glenda Cafer (#13342)

(785) 271-9991

Terri Pemberton (#23297)

(785) 232-2123

CAFER LAW OFFICE, L.L.C. 3321 SW 6<sup>th</sup> Avenue

Topeka, Kansas 66606

(785) 233-3040 facsimile

glenda@caferlaw.com

terri@caferlaw.com

**COUNSEL FOR MID-KANSAS ELECTRIC** COMPANY, LLC

## **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the above *Motion for Protective Order* was served electronically by e-mail, hand-delivered or mailed, postage prepaid, this 6th day of August, 2012 to:

NIKI CHRISTOPHER, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604

C. STEVEN RARRICK, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604

DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604

SHONDA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604

DAVID SPRINGE, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604

RAY BERGMEIER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027

HOLLY FISHER, ATTORNEY KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027

TERRI PEMBERTON