

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Application of the Kansas)
Power Pool, a Municipal Energy Agency, for)
Approval of Its Annual Transmission Revenue) Docket No. 12-KPEE-630-MIS
Requirement (ATRR) for Its Transmission)
Facilities.)

**ORDER DESIGNATING PREHEARING OFFICER
AND SETTING PROCEDURAL SCHEDULE**

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

I. Background

1. On February 17, 2012, the Kansas Power Pool (KPP) filed an Application for approval of its Annual Transmission Revenue Requirement (ATRR) for its transmission facilities.
2. The Commission has jurisdiction over KPP's transmission rates pursuant to K.S.A. 12-8,111, 66-101, 66-101b, and 66-104. The Commission's jurisdiction over wholesale rates is not preempted by the Federal Energy Regulatory Commission (FERC) because Section 201 of the Federal Power Act exempts municipal energy agencies from federal jurisdiction.
3. On February 24, 2012, KPP and Commission Staff (Staff) filed a Joint Motion for an Order Setting Procedural Schedule and Discovery Order. The Joint Motion stated that KPP and Staff signed a Letter Agreement, included as Attachment 2 to the Application, which states that KPP and Staff agree that this proceeding will be completed within 150 days from the date of filing, subject to the Commission's approval of a procedural schedule.

4. KPP and Staff further stated that they met via conference call and agreed upon the following procedural schedule:

Date	Time	Action
Friday, February 17, 2012	3:00 p.m.	Application Filed
Thursday, May 3, 2012	3:00 p.m.	Staff Report & Recommendation
Monday, May 14, 2012	3:00 p.m.	KPP & Intervener Responses
Thursday, May 24, 2012	3:00 p.m.	Cross-Answering Responses
Thursday, May 31, 2012	1:30 p.m.	Settlement Agreement
Thursday, May 31, 2012	1:30 p.m.	Prehearing Conference
Monday, June 4, 2012	9:00 a.m.	Evidentiary Hearing
Thursday, June 14, 2012	3:00 p.m.	Simultaneous Post-Hearing Briefs
Monday, July 16, 2012		Order Due

5. Staff and KPP have also indicated their agreement to use electronic service.

II. Prehearing Officer

6. Although the Commission will conduct the evidentiary hearing in this docket, the Commission designates a prehearing officer to conduct any prehearing conferences that might be needed in this proceeding and to address any matters that are appropriately considered in a prehearing conference, including all items listed in the Kansas Administrative Procedure Act (KAPA) at K.S.A. 77-517(b). These items include, for example, conversion of the proceeding to another type; exploration of settlement possibilities; preparation of stipulations; clarification of issues; rulings on identity and limitation of the number of witnesses; objections to proffers of evidence; determination of the extent to which direct evidence, rebuttal evidence, or cross examination will be presented in written form, and the extent to which telephone or other electronic means will be used as a substitute for proceedings in person; order of presentation of evidence and cross-examination; rulings regarding issuance of subpoenas; discovery orders and protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing. The Commission designates Holly L. Fisher, Litigation Counsel, telephone number

(785) 271-3312, email address h.fisher@kcc.ks.gov, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, to act as Prehearing Officer in this proceeding.¹ The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

III. Procedural Schedule

7. The Commission finds and concludes that the procedural schedule recommended by KPP and Staff and set forth in Paragraph 4 of this Order is reasonable and should be adopted with the following clarifications.

8. The Prehearing Conference will address any pending matters, establish procedures to use during the Evidentiary Hearing, and to consider any other prehearing issues that will promote the orderly and prompt conduct of this proceeding.² The Prehearing Conference shall begin at 1:30 p.m. on Thursday May 31, 2012 in the Third Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. Prehearing Officer Holly L. Fisher, telephone number (785) 271-3312, email address h.fisher@kcc.ks.gov, will preside. Any party who fails to attend or participate in the Prehearing Conference or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act (KAPA).³ At the Prehearing Conference, this proceeding without further notice may be converted into a conference hearing or a summary proceeding for disposition of the matter as provided by the KAPA.⁴

9. The Evidentiary Hearing, if necessary, shall begin at 9:00 a.m. on Monday, June 4, 2012 in the First Floor Hearing Room of Commission's Offices, 1500 SW Arrowhead Road,

¹ K.S.A. 2010 Supp. 77-514; K.S.A. 77-516; K.S.A. 2010 Supp. 77-551.

² K.S.A. 77-517; K.A.R. 82-1-222.

³ K.S.A. 77-516(c)(8); K.S.A. 77-520.

⁴ K.S.A. 77-516(c)(7).

Topeka, Kansas 66604-4027, telephone 785-271-3100. Any party who fails to attend or participate in the hearing or in any other stage of this proceeding may be held in default under the KAPA.⁵

10. The Commission adopts the agreement of the parties to use electronic service on each other, with confidential papers served by providing information on a compact disc, for all testimony, briefs, and orders, with waiver of receipt of a follow-up hard copy as required in K.A.R. 82-1-216(a)(6). Electronic service shall occur on or before 3:00 p.m. on the date scheduled for service. The parties shall specify that this electronic service constitutes service and that a hard copy will not follow, in order to make clear that paper copies will not also be provided. In addition, the parties shall include the Prehearing Officer with electronic service of testimony and briefs at h.fisher@kcc.ks.gov. The parties are still required to file the original and seven paper copies with the Commission, and this filing shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service.⁶ Any electronic service received after 3:00 p.m., or any filing made after 5:00 p.m., on the date scheduled for service, shall be accompanied by a Motion to File Out of Time.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission appoints Holly L. Fisher to act as the Prehearing Officer in this proceeding.

B. The Commission adopts the procedural schedule set forth in Paragraph 4 of this Order, with the clarifications set forth in Paragraphs 8 and 9.

C. The Commission approves the use of electronic service for serving all filings and briefs among the parties, and for Orders of the Commission and Prehearing Officer, without follow-up hard copies, but continues to require the filing of the original and seven paper copies with the Commission, as set forth above in paragraph 10.

⁵ K.S.A. 2010 Supp. 77-518(c)(8); K.S.A. 77-520.

⁶ K.A.R. 82-1-215(a).

D. The parties have fifteen days, plus three days if service of this Order is by mail, from the date of service of this Order in which to request rehearing on any matter decided herein. K.S.A. 66-118b, K.S.A. 2010 Supp. 77-529.

E. 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.

Sievers, Chmn.; Loyd, Com.; Wright, Com.

Dated: _____

Patrice Petersen-Klein
Executive Director

HLF

CERTIFICATE OF SERVICE

12-KPPE-630-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order Designating Prehearing Officer and Setting Procedural Schedule was served by electronic service on this 16th day of March, 2012, to the following parties who have waived receipt of follow-up hard copies.

HOLLY FISHER, ATTORNEY
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
h.fisher@kcc.ks.gov
Hand Delivered

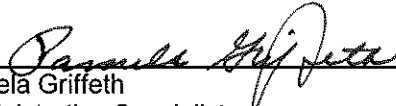
ANDREW SCHULTE, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.schulte@kcc.ks.gov
Hand Delivered

LARRY HOLLOWAY, OPERATIONS MANAGER
KANSAS POWER POOL
200 WEST DOUGLAS, SUITE 601
WICHITA, KS 67202
Fax: 316-264-3434
lholloway@kansaspowerpool.org

CURTIS M. IRBY, GENERAL COUNSEL
KANSAS POWER POOL
GLAVES, IRBY AND RHOADS
155 NORTH MARKET SUITE 1050
WICHITA, KS 67202
Fax: 316-264-6860
cmirby@sbcglobal.net

COLIN M. WHITLEY, CEO/GENERAL MANAGER
KANSAS POWER POOL
200 WEST DOUGLAS, SUITE 601
WICHITA, KS 67202
Fax: 316-264-3434
cwhitley@kansaspowerpool.org

MARGARET A. MCGOLDRICK
SPIEGEL & MCDIARMID LLP
1333 NEW HAMPSHIRE AVE. NW
WASHINGTON, DC 20036
margaret.mcgoldrick@spiegelmc.com



Pamela Griffeth
Administrative Specialist