

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Brian J. Moline, Chair
 Robert E. Krehbiel
 Michael C. Moffet

In the Matter of Midwest Energy Seeking)
Commission Approval to Implement a Pay-) Docket No. 07-MDWE-788-TAR
As-You-Save Program for its Electric)
Service.)

ORDER GRANTING INTERVENTION

The above matter comes before the State Corporation Commission of the State of Kansas (Commission). Being fully advised of all matters of record, the Commission finds:

1. On January 29, 2007, Midwest Energy, Inc. filed an Application requesting Commission approval for a tariff related to implementation of a “pay-as-you-save” program for electric utility service.

2. On February 1, 2007, the Citizens’ Utility Ratepayers Board file a Petition to Intervene in the above captioned matter.

3. The Commission has broad discretion to grant a petition for intervention if intervention is “in the interests of justice and orderly and prompt conduct of the proceedings will not be impaired....” K.S.A. 77-521(a)(3). K.A.R. 82-1-225 also recognizes the Commission’s broad discretion to grant intervention. A party’s petition to intervene must “state[] facts demonstrating [the party’s] legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law.” K.A.R. 82-1-225(a)(2). Further, the Commission may limit an intervenor’s participation to designated issues in which the intervenor has a particular interest as

demonstrated in the petition, require two or more intervenors to combine their presentations of evidence or argument, and limit an intervenor's use of discovery. K.A.R. 82-1-225(c).

4. In support of its Petition, CURB stated that it is statutorily authorized to represent the interests of Kansas residential and small commercial ratepayers in utility proceedings. CURB requested intervention to represent the interests of the residential and small commercial ratepayers of Midwest because those interests in this proceeding may not be adequately addressed by existing parties.

5. After due consideration, it is the opinion of the Commission that CURB's request for intervention meets the requirements of K.A.R. 82-1-225 and as such should be granted.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) CURB's Petition to Intervene is granted.

(B) A party may file a petition for reconsideration of this Order within 15 days of the date of this Order. If service is by mail, 3 additional days may be added to the 15-day time limit to petition for reconsideration. K.S.A. 66-118; K.S.A. 2004 Supp. 77-529(a)(1).

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel; Comm.; Moffet, Comm.

Dated: **MAR 02 2007**

ORDER MAILED

MAR 02 2007

 Executive Director

Susan K. Duffy
Executive Director

MRT