

**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 the Joint Application of Aquila, Inc.,        )  
d/b/a Aquila Networks – WPK (WPK) and Mid-                )  
Kansas Electric Company, LLC (MKEC), Joint                )  
Applicants, for an Order Approving the Transfer to        )  
MKEC of WPK’s Certificates of Convenience and            )  
Franchises with Respect to All of WPK’s Kansas            )  
Electric Business, Including its Generation,                )  
Transmission and Local Distribution Facilities Located    )  
in the State of Kansas, and for Other Related Relief.        )        Docket No. 06-MKEE-524-ACQ

**ORDER GRANTING CURB’S PETITION TO INTERVENE**

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 November 15, 2005, Aquila, Inc., d/b/a Aquila Networks – WPK (WPK) and Mid-Kansas Electric Company, LLC (MKEC), filed a joint application for an order that approved transfer of WPK’s certificate of convenience and franchises to MKEC. The Application seeks to transfer all WPK’s electric business in Kansas to MKEC, including WPK’s generation, transmission and local distribution facilities located in Kansas. The Application asks the Commission to adopt current WPK retail rates for five years except that MKEC be allowed to seek or recover through rates costs related to changes in law or occurrence of extraordinary events beyond MKEC’s control and costs related to investment in certain transmission facilities and other related relief needed to fulfill the intent and purpose of the parties to the transaction.

2.        The Commission has jurisdiction over the application pursuant to K.S.A. 66-101, *et seq.*, K.S.A. 66-104, K.S.A. 66-117, K.S.A. 66-131, and K.S.A. 66-136.

3. On November 17, 2005, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene in this proceeding. CURB's Consumer Counsel has been given statutory authority to represent the interests of Kansas residential and small commercial ratepayers in utility proceedings. K.S.A. 66-1223, *et seq.* CURB asserted that the interests it represents may not be adequately represented by existing parties.

4. The Commission finds that granting intervention to CURB is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings. K.A.R. 82-1-225. CURB is granted intervention in this proceeding.

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

(A) The Petition to Intervene of the Citizens' Utility Ratepayer Board 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.

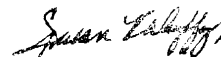
**BY THE COMMISSION IT IS SO ORDERED.**

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

Dated: NOV 29 2005

**ORDER MAILED**

NOV 29 2005

 Executive Director

Susan K. Duffy  
Executive Director

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