

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

Before Commissioners:

Thomas E. Wright, Chairman  
Michael C. Moffet  
Joseph F. Harkins

STATE CORPORATION COMMISSION

APR 17 2009

 Docket Room

In the Matter of the Application of )  
Wheatland Electric Cooperative, Inc. for )  
Approval to Make Certain Changes in )  
Their Charges for Electric Service. )

Docket No. 09-WHLE-681-RTS

**MOTION FOR WAIVER OF COMMISSION PROCEDURAL  
REGULATIONS AND TO WAIVE THE 240-DAY TIME PERIOD  
FOR A COMMISSION DETERMINATION**

COMES NOW, Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission”) respectively, and moves the Commission for an order waiving certain Commission procedural requirements under K.A.R. 82-1-231a and also for an order waiving the 240-day deadline for a Commission determination pursuant to K.S.A. 66-117. In support thereof, Staff states as follows:

1. On March 2, 2009, Wheatland Electric Cooperative, Inc. (“Wheatland”) filed an application for approval to make certain changes in their charges for electric service.
2. On March 18, 2009, PetroSantander (USA) Inc. (“Petrosantander”) filed a Petition to Intervene in this proceeding. The Commission granted intervention on April 6, 2009.
3. On March 23, 2009, the Commission issued an order suspending the above captioned docket for 240 days, until October 28, 2009.

4. Staff has been working with Wheatland since before this docket was filed to educate and inform Wheatland of the information Staff would need to conduct its analysis and review of Wheatland's pending rate application. Staff submitted data requests to Wheatland even before the application was filed setting forth information that Staff would need to analyze the application. Staff has been in contact with Wheatland since the docket was filed and has been working with Wheatland to obtain the necessary information. Wheatland explained that the information was delayed by a family emergency of a Wheatland employee and computer system changes.

5. Staff finally received needed information from Wheatland on or about April 9, 2009, over one month after this docket was filed with the Commission. Staff is without sufficient time to fully review and analyze the application filed on March 2, 2009 in order to submit a recommendation to the Commission by May 1, 2009, which is 60 days after Wheatland filed its application. Staff requests that the Commission waive the requirements of K.A.R. 82-1-231a(c)(3), and extend the time for Staff to submit a recommendation to the Commission for an additional 60 days, until June 30, 2009.

6. Staff respectfully submits that due to delays in the receipt of information needed to conduct its analysis in this docket, it is in the public interest and good cause exists for the Commission to grant a waiver of the requirements pursuant to K.A.R. 82-1-231a(e) and K.A.R. 82-1-202(a).

7. Staff offers that in waiving the 60 day deadline for Staff's recommendation, the procedural schedule set forth in K.A.R. 82-1-231a(c) would only be adjusted by allowing Staff an additional 60 days to conduct its review of the application.

Based upon the March 2, 2009 filing date, Staff suggests the following revised procedural schedule:

- (i) June 30, 2009 Deadline for Staff to submit its recommendation to the Commission.
- (ii) July 15, 2009 Deadline for Commission consideration of the application pursuant to K.A.R. 82-1-231a(c)(5), fifteen days after receipt of Staffs recommendation.
- (iii) July 25, 2009 Deadline for the Commission to issue an interim order seeking comment if Wheatland's application is approved as filed, or approved with modifications, and start of 90 day comment period.
- (iv) October 23, 2009 Close of 90 day comment period.

8. Pursuant to the Commission's Suspension Order and K.S.A. 66-117, the 240 day deadline for a Commission order would fall on October 28, 2009.

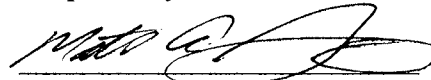
9. Due to the delays in this Docket, Staff requests that the Commission issue an order waiving the 240 day deadline. Staff has been in contact with Wheatland, and Wheatland has agreed to an indefinite waiver of the 240 day deadline in this docket.

10. K.S.A. 66-117(c) provides that the Commission and the public utility may agree to a waiver or extension of the 240-day deadline for a Commission determination. Accordingly, Staff requests that the Commission issue an order noting the agreed upon waiver of the 240-day deadline.

**WHEREFORE**, Staff of the State Corporation Commission of the State of Kansas moves the Commission for an order to:

- A. Waive the 60-day deadline for Staff to submit a recommendation in this docket pursuant to K.A.R. 82-1-231a(c)(3) and allow Staff an additional 60-days, or 120-days from the date of filing of this docket to submit its report to the Commission;
- B. Accept the proposed procedural schedule, as set forth in paragraph 7, above, which is only adjusted from the procedure set forth in K.A.R. 82-1-231a, to allow Staff an additional 60 days to submit its recommendation to the Commission.
- C. Waive the 240-day deadline for a Commission decision pursuant to K.S.A. 66-117(c).

Respectfully Submitted,



Matthew A. Spurgin, #20470

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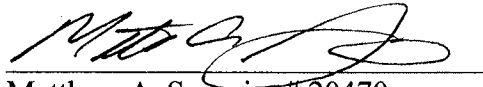
785-271-3267 (fax)

Attorneys for Commission Staff

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )

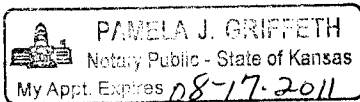
**VERIFICATION**

Matthew A. Spurgin, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *Motion* and that the statements contained therein are true and correct to the best of his knowledge, information and belief.



Matthew A. Spurgin, # 20470  
Kansas Corporation Commission of the  
State of Kansas

Subscribed and sworn to before me this 17<sup>th</sup> day of April 2009.

  
Notary Public

My Appointment Expires: August 17, 2011

CERTIFICATE OF SERVICE

09-WHLE-681-RTS

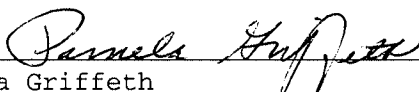
I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Motion was placed in the United States mail, postage prepaid, or hand-delivered this 17th day of April, 2009, to the following:

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