

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

STATE CORPORATION COMMISSION

FEB 05 2007

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

 Docket  
Room

In the Matter of a General Investigation into      )  
Billing Standards Related to Security Deposits    ) Docket No. 07-GIMX-446-GIV  
For Residential and Nonresidential Customers of   )  
Gas, Electric and Water Public Utilities           )

**INITIAL COMMENTS OF THE CITIZENS' UTILITY RATEPAYER BOARD**

COMES NOW the Citizens' Utility Ratepayer Board (CURB) and files the following initial comments in response to the Kansas Corporation Commission's (KCC or Commission) November 6, 2006, Order (November 6<sup>th</sup> Order) opening this docket and requesting comments regarding security deposits for residential and nonresidential customers of gas, electric and water public utilities.

**I. INTRODUCTION**

1. In 2004, the Commission denied requests by Westar Energy, Inc. (Westar) to amend its Credit and Security Deposit Regulations and for a general waiver of the Commission's Billing Standards on the grounds that Westar's requests were contrary to or inconsistent with the Commission's Billing Standards and could create confusion and possible discrimination. The Commission determined that a generic docket should be opened to review the Billing Standards as they relate to Security Deposits.<sup>1</sup>

---

<sup>1</sup> Order Denying Application of Amendment and Waiver, p. 4, KCC Docket No. 04-WSII-620-TAR.

2. The Commission's November 6<sup>th</sup> Order opening docket solicited comments as

follows:

7. The Commission invites all parties to address the following issues, as those issues relate to security deposits. Likewise, if the parties believe other issues regarding the Commission's Billing Standards relating to security deposits should be addressed, please specify the issues and the party's asserted position. The Commission would specifically address the following questions:

A. Current deposit requirements for residential and small commercial customers shall not exceed the amount of that customer's projected average two (2) months' bill(s). For other customers the security deposit shall not exceed the amount of that customer's projected largest two months bills. Are these amounts adequate to cover the utility's risk exposure for non-payment?

B. "Other customers" are defined as customers using more than 3,240 kwh of electricity or 50 Mcf of natural gas in an average month. Should nonresidential customers be subdivided into groups based on annual usage?

C. The Billing Standards allow the utility to require a deposit from customers under certain circumstances. The conditions are different for customers at the time of application for service and any time after application for service. Does the term "application for service" refer to new customers, existing customers filing for bankruptcy, former customers who live at the same premises but have been disconnected, etc.?

D. Does "any time after the application for service" refer to existing customers only? How should "existing customer" be defined? Is a customer that has been disconnected an existing customer? How long does a customer have to be disconnected before the customer is no longer considered an existing customer? Is there a middle ground between a new customer and an existing customer?

E. Should the existing customer security deposit requirements be the same for residential and non-residential customers?

F. Positive identification (defined as a photo with name) may be requested from residential customers. Should this be expanded to small general service customers whose business account is in the name of the business owner?

G. Creditworthiness -can utilities use credit score methods to evaluate satisfactory credit ratings? If so, should the methodology be consistent between all utilities?

H. Do changes in character or volume of service need to be defined? If so, how should those changes be defined? Should the standards be different for residential and non-residential customers?

I. What methods of payment can be used to provide security deposits - cash, credit card, debit card, electronic payment, bonds, guarantor, letter of credit, etc.?

J. Use, retention and return of deposits. If the nonresidential customers are divided into more than two groups, should the retention and return of security deposits be reviewed and treated the same for each group?<sup>2</sup>

3. Prior to addressing these issues, CURB urges the Commission to require parties seeking amendment of the current billing standards on security deposits to establish the need for their proposed amendments by producing current, historical, and detailed supporting documentation derived from utility books and records. Further, the Commission should provide parties the opportunity to conduct discovery and cross-examine witnesses producing such data (to date, no procedure for discovery or testimony has been scheduled). Without current, historical, and detailed supporting documentation and the opportunity to conduct discovery and cross-examine on such data, any referenced data is at best only marginally useful in devising billing standards of such importance to Kansas ratepayers. Regulatory agencies may make major changes in prior policies or positions, but the subsequent policy or position must be based on substantial competent evidence.<sup>3</sup>

## II. COMMENTS

**A. Current deposit requirements for residential and small commercial customers shall not exceed the amount of that customer's projected average two (2) months' bill(s). For other customers the security deposit shall not exceed the amount of that customer's projected largest two months bills. Are these amounts adequate to cover the utility's risk exposure for non-payment?**

4. The current deposit amounts are adequate to cover a utility's risk exposure for non-payment and should not be increased. Setting onerous and unnecessary security deposits can jeopardize continuing service to low-income households and actually pose a serious threat to the home, health, and even the lives of consumers. As the United States Supreme Court has

---

<sup>2</sup> November 6<sup>th</sup> Order, ¶ 7.

<sup>3</sup> Western Resources, Inc. v. Kansas Corporation Comm'n, 30 Kan. App.2d 348, 360, 42 P.3d 162 (2002).

noted, “utility service is a necessity of modern life; indeed, the discontinuance of water or heating for even short periods of time may threaten health or safety.”<sup>4</sup> Similar findings have been made by Kansas courts.<sup>5</sup>

5. A utility’s right to seek a security deposit has historically been limited by a duty to demand only a reasonable amount. CURB believes the current security deposit amounts are reasonable, and urges the Commission to consider proposals to increase the amount of security deposits only if the utility provides detailed current and historical supporting documentation derived from utility books and records.

6. Unless utilities demonstrate with substantial competent evidence that there is a need to increase the current security deposit amounts, and that the change will result in reducing uncollectibles, the Commission should not change the current standards.

7. CURB will review the comments of other parties on this issue and reserves the right to respond to those comments in reply comments.

**B. "Other customers" are defined as customers using more than 3,240 kwh of electricity or 50 Mcf of natural gas in an average month. Should nonresidential customers be subdivided into groups based on annual usage?**

8. CURB is not opposed to dividing the “other customers” category into something like medium commercial/industrial and large commercial/industrial customer categories, provided there are some benefits to the medium commercial/industrial customer class, such as return of the security deposit after the customer has established a reasonable payment history. If this occurs, one alternative CURB would not oppose is to allow the security deposit to be returned to a medium commercial/industrial customer after the customer has paid 18 of the last

---

<sup>4</sup> Memphis Light, Gas & Water Div. v. Craft, 436 U.S. 1, 18 (1978). Stanford v. Gas Service Co., 346 F. Supp, 717, 721 (D. Kan. 1972).

<sup>5</sup> Stanford v. Gas Service Co., 346 F. Supp, 717, 721 (D. Kan. 1972).

24 bills on time and no undisputed bill was unpaid after 30 days beyond the due date. However, CURB sees no reason to change the standards for residential and small commercial customers.

9. CURB will review the comments of other parties on this issue and respond to those comments in reply comments.

**C. The Billing Standards allow the utility to require a deposit from customers under certain circumstances. The conditions are different for customers at the time of application for service and any time after application for service. Does the term "application for service" refer to new customers, existing customers filing for bankruptcy, former customers who live at the same premises but have been disconnected, etc.?**

10. The term “application for service” obviously includes new customers. The Commission has also interpreted the term to include existing customers who have filed for bankruptcy, on the grounds that the filing of the bankruptcy petition constitutes a termination of service, and the taking of post-petition service is deemed to be an “application for service.”<sup>6</sup>

11. CURB is not aware of prior Commission decisions on the issue of whether former customers living at the same premises seeking service again constitutes an “application for service.” CURB would encourage the Commission to implement consistency with regard to this term as used in tariffs, the Billing Standards, and the Cold Weather Rule.

12. CURB will review the comments of other parties on this issue and respond to those comments in reply comments.

---

<sup>6</sup> Order on Complaint, ¶11-12, KCC Docket No. 04-WSEE-511-COM.

- D. Does "any time after the application for service" refer to existing customers only? How should "existing customer" be defined? Is a customer that has been disconnected an existing customer? How long does a customer have to be disconnected before the customer is no longer considered an existing customer? Is there a middle ground between a new customer and an existing customer?**

13. CURB recognizes that issues exist between existing customers who are voluntarily disconnected at the request of the customer (perhaps for an extended absence from the state) and those who are involuntarily disconnected involuntarily (perhaps for nonpayment). Voluntarily disconnected customers should not be treated the same as involuntarily disconnected customers. CURB will review the comments of other parties on this issue and respond to those comments in reply comments.

- E. Should the existing customer security deposit requirements be the same for residential and non-residential customers?**

14. CURB supports the existing security deposit requirements applicable to residential and small commercial customers (not more than customer's projected average two (2) months' bill(s)). Gas and electric usage by small commercial customers is more similar to usage by residential customers than by large commercial/industrial customers, which justifies treating small commercial customers differently than larger commercial/industrial customers.

15. As stated previously, CURB is not opposed to dividing the "other customers" category into something like medium commercial/industrial and large commercial/industrial customer categories, provided there are some benefits to the medium commercial/industrial customer class, such as return of the security deposit after a reasonable payment history has been established.

16. CURB will review the comments of other parties on this issue and respond to those comments in reply comments.

**F. Positive identification (defined as a photo with name) may be requested from residential customers. Should this be expanded to small general service customers whose business account is in the name of the business owner?**

17. CURB would note there may be issues involved with identifying whose identification would be required with regard to small general service customers that are incorporated. CURB will review the comments of other parties on this issue and respond to those comments in reply comments.

**G. Creditworthiness - can utilities use credit score methods to evaluate satisfactory credit ratings? If so, should the methodology be consistent between all utilities?**

18. CURB urges the Commission to prohibit the use of credit scoring methods by utilities to evaluate satisfactory credit worthiness of consumers because credit scores are notoriously inaccurate.

19. In 2002, the Consumer Federation of America (CFA) and the National Credit Reporting Association (NCRA) conducted an extensive study of credit scores, examining over 500,000 consumer credit files.<sup>7</sup> This study found that 20% of consumers have credit scores that differ by at least 50 points between credit bureaus, and 4% of consumers have credit scores that differ by at least 100 points.<sup>8</sup> Other conclusions reached by the study include:

- Credit scores and information vary significantly among the three national credit reporting bureaus.<sup>9</sup>
- One in five consumers (22%) risks being mischaracterized as a poor credit risk due to inaccurate information.<sup>10</sup>

---

<sup>7</sup> Consumer Fed'n of Am. And Nat'l Credit Reporting Assoc., *Credit Score Accuracy and Implications for Consumers*, (December 17, 2002), available at: [http://www.consumerfed.org/pdfs/121702CFA\\_NCRA\\_Credit\\_Score\\_Report\\_Final.pdf](http://www.consumerfed.org/pdfs/121702CFA_NCRA_Credit_Score_Report_Final.pdf). See also, FCA press release, *Millions of Americans Jeopardized by Inaccurate Credit Scores*, Consumer Federation of America, [http://www.consumerfed.org/releases2.cfm?filename=121702\\_creditscorereport.txt](http://www.consumerfed.org/releases2.cfm?filename=121702_creditscorereport.txt).

<sup>8</sup> *Id.*, at 24.

<sup>9</sup> *Id.*, at 22.

- Nearly ten percent of customers risk exclusion from the credit marketplace because of incomplete, duplicate, or mixed credit files.<sup>11</sup>
- The study examined 51 representative files for consistencies or inconsistencies to explain the reasons for the differences in credit scores among the different credit bureaus and determined:
  - 78.4% of the files were missing a revolving account in good standing.<sup>12</sup>
  - 33.3% of the files were missing a mortgage account that had never been late.<sup>13</sup>
  - 66.7% of the files were missing another type of installment account that had never been late.<sup>14</sup>
  - 15.7% of the files were missing other accounts, such as non-revolving credit cards, with no derogatory information.<sup>15</sup>
  - 43.1% of the files contained conflicting information on how often the consumer had been late by 30 days.<sup>16</sup>
  - 29.4% of the files contained conflicting information about how many times the consumer had been late by 60 days.<sup>17</sup>
  - 23.5% of the files contained conflicting information about 90-day delinquencies.<sup>18</sup>
  - The report noted that delinquencies were identified as major contributing reasons for the consumer's score on the majority of reports.<sup>19</sup>

20. Likewise, a study by the Federal Reserve found that accounts with a significant derogatory piece of information as the most recent addition, almost three-fifths of the reports were not current.<sup>20</sup> “The authors’ evaluation suggests that many of these accounts, particularly mortgages and installment loans, are likely to have been either closed or transferred but were not reported as such.”<sup>21</sup>

---

<sup>10</sup> *Id.*, at 38.

<sup>11</sup> *Id.*, at 39-40.

<sup>12</sup> *Id.*, at 30.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*, at 32.

<sup>17</sup> *Id.*, at 32-33.

<sup>18</sup> *Id.*, at 33.

<sup>19</sup> *Id.*

<sup>20</sup> Robert Avery, Paul Calem, Glenn Canner, & Raphael Bostic, *An Overview of Consumer Data and Credit Reporting*, Fed. Reserve Bulletin, Feb. 2003, at 71. Also available at: <http://www.federalreserve.gov/pubs/bulletin/2003/0203lead.pdf>.

<sup>21</sup> *Id.*



21. These two studies demonstrate significant inaccuracies associated with credit scores (and the credit reports they are based upon). Because utility service is a “necessity of modern life,” the discontinuance of which for “even short periods of time may threaten health or safety,”<sup>22</sup> CURB urges the Commission to prohibit the use of unreliable credit scores to evaluate satisfactory credit worthiness of consumers.

22. CURB proposes that Section III of the Billing Standards be modified to provide that security deposits will not be required of new customers unless the applicant (a) as a prior customer, received three or more delinquency notices or was disconnected for nonpayment; (b) is not able to demonstrate continuous employment during the prior twelve consecutive months and is neither currently employed nor has a regular source of income; and (c) has an unpaid, overdue balance owing to any electric, gas, or water utility for residential service.<sup>23</sup>

23. Research indicates that consumers tend to pay their utility bills before paying nearly all other obligations (other than rent or mortgage).<sup>24</sup> Because of this, CURB believes a customer who is gainfully employed and has not demonstrated a pattern of delinquency or nonpayment of utility bills should not be required to pay a security deposit.

24. For consumers who do not qualify for service under the above proposed standards, the Commission can require security deposits. In the alternative, in the event the Commission decides to allow credit scoring (which CURB opposes), the Commission should

---

<sup>22</sup> Memphis Light, Gas & Water Div. v. Craft, 436 U.S. 1, 18 (1978). Stanford v. Gas Service Co., 346 F. Supp, 717, 721 (D. Kan. 1972).

<sup>23</sup> CURB’s proposed amendments are similar to Washington security deposit standards for gas service. See, WAC 480-90-113.

<sup>24</sup> Roger D. Colton, *Customer Deposit Demands by U.S. West: Reasonable Rationales and the Proper Assessment of Risk*, (1994), available at: <http://www.fsconline.com/downloads/DEPOSITS.pdf>; Michael Kiefer & Ronald Grosse, "Why Utility Customers Don't Pay Their Bills," *Public Utilities Fortnightly*, at 41 (June 21, 1984); see also, *Wisconsin Public Service Corporation: Lifestyle Study: Selected Payment Patterns*, at ii (July 1983).

require consistent and objective credit scoring methodology to be used by all utilities to evaluate satisfactory credit ratings. To do this, the Commission should require:

- Application of the approved credit scoring method should be applied only for those applicants who do not meet the requirements contained in paragraph 22 above.
- Use of credit scoring shall not be the sole method of determining whether to require a security deposit from a low-income applicant, but the utility shall also give weight to the availability of and an applicant's eligibility for the utility's bill payment assistance program or the federal Low-Income Home Energy Assistance Program.
- If a deposit is required as a result of a credit score, the applicant shall be informed of the ability to avoid a deposit payment by designating a third-party guarantor of the deposit amount.
- Applicants required to pay a deposit based on a credit score shall be informed of that credit score, and of the agency, bureau or service providing that scoring. Applicants also shall be informed of the opportunity to demonstrate creditworthiness for utility service. The utility will reconsider the deposit requirement if the applicant demonstrates that the credit score is based on incomplete or erroneous information.
- If the utility requires a deposit or takes other adverse action against an applicant as a result of a credit score, the utility will inform the applicant of the reason for imposing the deposit or adverse action and provide the rights and disclosures required by the Equal Credit Opportunity Act, the Fair Credit Reporting Act, and the dispute resolution rights and appeal procedures under Kansas utility credit and collection regulations.
- The utility will apply the credit scoring procedure uniformly throughout its service territory and shall make that procedure available to customers or applicants in writing upon request, and by posting the procedure on the utility's website.
- The utility will submit annual reports to the state public utility commission on the frequency of use of credit scoring, the resulting number of required security deposits or other adverse action, and the number and percent of low-income customers exempted from security deposits.
- Monitor and evaluate the use of credit scores by Kansas utilities to determine whether the use of credit scores has a disparate impact on minority and low income ratepayers, resulting in higher denials of service, security deposit requirements, or other impacts.<sup>25</sup>

25. If any utility is currently using credit scoring, the Commission should investigate whether the utility is in compliance with the requirements of the Equal Credit Opportunity Act or the Fair Credit Reporting Act. If the Commission determines to approve credit scoring, which

---

<sup>25</sup> While CURB firmly opposes the use of credit scores by utilities in determining whether to require security deposits, CURB offers these minimum consumer protections, the majority of which are based on recommendations contained in a June 15, 2004 Resolution passed by the National Association of Consumer Utility Advocates (NASUCA). Available at: <http://www.nasuca.org/Resolutions/Consumer%20Protection%20Res%20FINAL.doc>.

CURB believes is not necessary and should not be approved, the Commission needs to ensure the rights of consumers under federal and state law are protected and included in the Billing Standards. CURB believes this proposal is a reasonable approach given the inaccurate nature of credit scoring and credit information maintained by the credit bureaus.

**H. Do changes in character or volume of service need to be defined? If so, how should those changes be defined? Should the standards be different for residential and non-residential customers?**

26. Under current Billing Standards, the amount of the cash deposit or surety bond may be adjusted if the character or volume of the customer's service changes. CURB believes this provision should not be applicable to residential or small commercial customers. Further, CURB opposes any interpretation that would allow changes in the price of electricity or gas to be deemed a change in character or volume of service under this section of the Billing Standards regarding existing security deposits.

27. CURB will review the comments of other parties on this issue and respond to those comments in reply comments.

**I. What methods of payment can be used to provide security deposits - cash, credit card, debit card, electronic payment, bonds, guarantor, letter of credit, etc.?**

28. CURB will review the comments of other parties on this issue and respond to those comments in reply comments.

**J. Use, retention and return of deposits. If the nonresidential customers are divided into more than two groups, should the retention and return of security deposits be reviewed and treated the same for each group?**

29. CURB believes the residential and small commercial customer categories should be retained as they currently exist in the Billing Standards, including the retention and return of

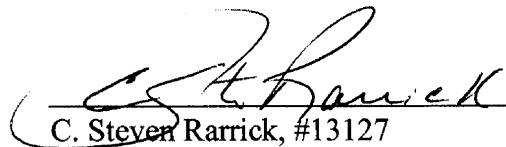
security deposits. As stated previously, CURB is not opposed to dividing the “other customers” category into something like medium commercial/industrial and large commercial/industrial customer categories, but the retention and return of security deposits for medium commercial/industrial customer classes should be modified to allow return of the security deposit after a reasonable payment history has been established.

30. CURB will review the comments of other parties on this issue and respond to those comments in reply comments.

### III. CONCLUSION

31. CURB appreciates the opportunity provided in this docket to submit comments on behalf of Kansas small business and residential ratepayers regarding security deposit requirements for residential and nonresidential customers of gas, electric and water public utilities.

Respectfully submitted,



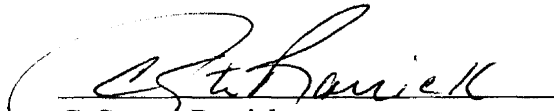
C. Steven Rarrick, #13127  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
Tel: (785) 271-3200  
Fax: (785) 271-3116

**VERIFICATION**

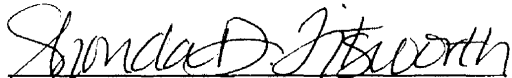
STATE OF KANSAS )  
 )     ss:  
COUNTY OF SHAWNEE )

C. Steven Rarrick, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for the Citizens' Utility Ratepayer Board; that he has read the above and foregoing document, and, upon information and belief, states that the matters therein appearing are true and correct.

  
C. Steven Rarrick

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of February, 2007.

  
Notary of Public

My Commission expires: 8-03-2009



**CERTIFICATE OF SERVICE**

07-GIMX-446-GIV

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, or hand-delivered this 5th day of February, 2007, to the following:

JAMES G. FLAHERTY, ATTORNEY  
ANDERSON & BYRD, L.L.P.  
216 SOUTH HICKORY  
PO BOX 17  
OTTAWA, KS 66067  
Fax: 785-242-1279  
jflaherty@abrffh.com

MAURICE L. ARNALL, DIR REGULATORY SERVICES  
AQUILA, INC.  
D/B/A AQUILA NETWORKS - WPK / AQUILA NETWORKS  
- KGO  
MSC 8-177  
20 W NINTH ST  
KANSAS CITY, MO 64105  
Fax: 816-737-7505  
maurice.arnall@aquila.com

LARRY HEADLEY  
AQUILA, INC.  
D/B/A AQUILA NETWORKS - WPK / AQUILA NETWORKS  
- KGO  
1815 CAPITOL AVENUE  
OMAHA, NE 68102  
larry.headley@aquila.com

JAMES W. BARTLING, MGR OF PUBLIC AFFAIRS  
ATMOS ENERGY CORPORATION  
25090 W 110TH TERR  
OLATHE, KS 66061  
Fax: 913-768-4924  
james.bartling@atmosenergy.com

JOE CHRISTIAN, RATES & REG. AFFAIRS  
ATMOS ENERGY CORPORATION  
1301 PENNSYLVANIA STREET  
SUITE 800  
DENVER, CO 80203  
Fax: 303-837-9549  
joechristian@atmosenergy.com

DOUGLAS C. WALTHER, SR ATTORNEY  
ATMOS ENERGY CORPORATION  
PO BOX 650205  
DALLAS, TX 75265-0205

GLEND A CAFER, ATTORNEY  
CAFER LAW OFFICE, L.L.C.  
SUITE 101  
2921 SW WANAMAKER DRIVE  
TOPEKA, KS 66614  
Fax: 271-9993  
gcafer@sbcglobal.net

TERRY L. OLIVER  
EMPIRE DISTRICT ELECTRIC COMPANY  
602 JOPLIN (64801)  
PO BOX 127  
JOPLIN, MO 64802  
Fax: 417-625-5169  
toliver@empiredistrict.com

KELLY WALTERS  
EMPIRE DISTRICT ELECTRIC COMPANY  
602 JOPLIN (64801)  
PO BOX 127  
JOPLIN, MO 64802  
Fax: 417-625-5173  
kwalters@empiredistrict.com

CURTIS D. BLANC, COUNSEL  
KANSAS CITY POWER & LIGHT COMPANY  
1201 WALNUT (64106)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
curtis.blanc@kcpl.com

MARY TURNER, DIRECTOR, REGULATORY AFFAIRS  
KANSAS CITY POWER & LIGHT COMPANY  
1201 WALNUT (64106)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2110  
mary.turner@kcpl.com

DANA BRADBURY, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
d.bradbury@kcc.state.ks.us  
\*\*\*\* Hand Deliver \*\*\*\*

**CERTIFICATE OF SERVICE**

07-GIMX-446-GIV

STUART LOWRY, EXECUTIVE VICE  
PRESIDENT/GENERAL COUNSEL  
KANSAS ELECTRIC COOPERATIVES, INC.  
7332 SW 21ST STREET (66615)  
PO BOX 4267  
TOPEKA, KS 66604-0267  
Fax: 785-478-4852  
slowry@kec.org

JOHN P. DECOURSEY, DIRECTOR, LAW  
KANSAS GAS SERVICE, A DIVISION OF ONEOK, INC  
7421 W 129TH STREET STE 300 (66213)  
PO BOX 25957  
SHAWNEE MISSION, KS 66225  
Fax: 913-319-8622  
jdecoursey@kgas.com

WALKER HENDRIX, DIRECTOR, REGULATORY LAW  
KANSAS GAS SERVICE, A DIVISION OF ONEOK, INC.  
7421 W 129TH STREET STE 300 (66213)  
PO BOX 25957  
SHAWNEE MISSION, KS 66225  
Fax: 913-319-8622  
whendrix@oneok.com

PATRICK PARKE, VP CUSTOMER SERVICE  
MIDWEST ENERGY, INC.  
1330 CANTERBURY ROAD  
PO BOX 898  
HAYS, KS 67601  
Fax: 785-625-1494  
patparke@mwenergy.com

MICHAEL LENNEN, ATTORNEY  
MORRIS LAING EVANS BROCK & KENNEDY CHTD  
OLD TOWN SQUARE  
SUITE 200  
300 N MEAD STREET  
WICHITA, KS 67202-2722  
Fax: 316-262-5991  
mlennen@morrislaing.com

MARTIN J. BREGMAN, EXEC DIR, LAW  
WESTAR ENERGY, INC.  
818 S KANSAS AVENUE  
PO BOX 889  
TOPEKA, KS 66601-0889  
Fax: 785-575-8136  
martin\_bregman@wr.com

  
C. Steven Rarrick