

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

AUG 08 2008

In the Matter of a General Investigation)
Into Incentives for Fuel Switching.)

Docket No. 09-GIMX-160-GIV

 Docket Room

**STAFF'S MOTION TO OPEN A GENERIC INVESTIGATION
INTO A POLICY ON INCENTIVES FOR FUEL-SWITCHING**

COMES NOW the Staff of the State Corporation Commission of the State of Kansas and moves the Commission for an order opening a generic docket to consider the development of a policy regarding incentives for fuel-switching for end-use applications. In support of this Motion, Staff states:

1. The issue of whether it is appropriate to offer incentives to encourage consumers to engage in fuel-switching behavior was raised in comments filed in Docket No. 08-GIMX-442-GIV.¹ On June 3, 2008, the Commission determined it would open a new docket to review this policy issue within 90 days.² While the issue was raised in a docket concerning energy efficiency issues, the concerns related to fuel-switching are more general.

2. In response to this directive, Staff files this motion and the attached Memorandum (Attachment "A"). In its Memorandum Staff explains the discussions regarding fuel-switching that have been held over the years in various forums: 1) fuel-switching policy has been raised in

¹ [Kansas Gas Service] Reply Comments for the Workshop, Docket No. 08-GIMX-442-GIV, April 16, 2008; and, Reply Comments of Kansas City Power & Light Company on KCC Energy Efficiency Workshop, Docket No. 08-GIMX-442-GIV, April 16, 2008..

² Order Setting Energy Efficiency Policy Goals, Determining a Benefit-Cost Test Framework, and Engaging a Collaborative Process to Develop Benefit-Cost Test Technical Matters and an Evaluation, Measurement, and Verification Scheme, Docket No. 08-GIMX-442-GIV, paragraph 31, June 3, 2008

the context of energy efficiency programs; and 2) fuel switching policy has been a concern in discussions of renewable energy, the environment, and use of limited resources.

3. Staff cannot find evidence that the National Association of Regulatory Utility Commissioners (NARUC) has taken a position on this issue. Fuel-switching is mentioned in a 2003 Resolution on state commission responses to high prices in the natural gas market and its limited supply, yet the resolution focuses on energy efficiency/conservation efforts for all sources of energy³.

4. The National Regulatory Research Institute (NRRI) has not published a report on this subject, but does list it as a “research project in search of a researcher[.]”⁴ and notes that state commissions must determine whether they should encourage fuel-switching for direct applications, posing several questions for further research.

5. The Energy Trust of Oregon (Energy Trust), the entity charged by the Oregon Public Utility Commission (OPUC) with investing in cost-effective energy conservation in Oregon, has developed a policy on fuel-switching and has determined that it “. . . should not advocate fuel-switching, but may provide fuel neutral technical information on efficiency options . . . However, the Energy Trust should not provide financial incentives for converting or replacing electric or gas equipment to another fuel.”⁵

6. Staff located a relevant discussion of fuel-switching policy by the Northwest Power and Conservation Council (NPC).⁶ The NPC Council lays out its analysis in an issue paper dated July 17, 2007.⁷ At that time the NPC Council determined that consumers should

³ <http://www.naruc.org/Resolutions/responses.pdf>

⁴ http://nrri2.org/index.php?option=com_content&task=view&id=34&Itemid=51

⁵ <http://www.energytrust.org/kibrary/policies/4.03.000-P.pdf>

⁶ <http://www.nwcouncil.org/library/releases/2001/0926.htm>

⁷ <http://www.nwcouncil.org/library/2001/2001-17.htm>

make the decision to switch fuels based on information in the marketplace rather than through incentives provided by a utility.

7. The scope of this docket should be limited to the appropriateness of encouraging fuel-switching for end-use or direct use applications since this is the context in which the issue was raised. Staff has been unable to locate significant research on this topic from which to provide guidance to the Commission and, to assist the Commission in its review of the fuel-switching issue, Staff suggests the Commission requests interested parties comment on questions intended to gather additional information on fuel-switching.

8. Staff proposes the following questions be posed to interested parties using the research questions of NRRI and the work of the NPC Council as resources:

A. Is general research available regarding the costs and benefits of fuel-switching for end-use applications that can be provided for the Commission's review? If so, please elaborate and provide citations.

B. Is there research available which indicates the effect of fuel-switching for end-use applications on the environment, energy use and energy costs? If so, please elaborate and provide citations.

C. Is fuel-switching for end-use applications economical and beneficial to the environment? If so, what factors have made customers reluctant to switch fuel sources? What is the cost of removing these barriers? Should the Commission address these barriers? For instance, should pricing schemes be altered to enable customers to see the economic value of alternatives? Corollary: If fuel-switching is economical but not environmentally the best choice, what

factors have made customers switch fuel sources? How should the Commission respond?

D. What is the cost of switching fuels for end-use applications?

E. Under what conditions would it be appropriate for a utility to offer an incentive to switch fuels?

F. How does the cost of increased efficiency for an end-use application within the same fuel source compare with the cost of converting to a new application with a differing fuel source that obtains equal or greater efficiency?

G. Should natural gas and electric utilities be required to work together in their overlapping territories to promote the most efficient fuel for the end-use application?

H. Should the Commission facilitate the coordination and flow of information between gas and electric utilities to promote efficient use of fuels or is there another organization that is more appropriate for this role?

I. Are incentives offered by a utility to utilize its fuel for an end-use application simply a benefit of competition between two competing utilities in a territory where the gas and electric utility are not integrated? Should other ratepayers be required to subsidize this competition? Does the Commission have a regulatory obligation to protect a supplier of one type of energy commodity from competition from alternative types of energy? Does it make a difference if both suppliers are regulated by the Commission compared to one regulated and

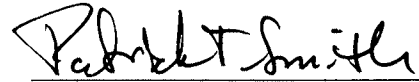
one unregulated supplier? (Gas to electricity vs. gas to propane. Electricity to gas vs. electricity to solar.)

J. If utilities should be required to promote the most economical or environmentally beneficial fuel, is the issue regarding lost revenue recovery any different than for energy efficiency programs in general?

9. Staff also suggests that the Commission request that parties provide any additional comments they believe will assist the Commission in its development of a policy on fuel-switching for end-use applications.

10. Staff moves the Commission for an order opening a generic docket to address the development of a policy on incentives for fuel-switching as identified above and discussed more fully in Staff's Memorandum. Staff suggests the matter may be best handled in a generic proceeding so that electric and natural gas utilities, as well as all other interested parties, have an opportunity to fully participate. Staff proposes interested parties, including Staff, be provided an opportunity to file initial comments to the issues preliminarily identified in Commission's order opening the generic docket, and also on what precise issues should be addressed in the general investigation, within 30 days of the order opening the docket. Staff suggests the parties be given an opportunity to file reply comments within 60 days of the order opening the docket. Upon reviewing both the comments and reply comments, Staff recommends the Commission determine the issues and develop a procedure schedule appropriate for the issues and scope of the proceeding at that time.

WHEREFORE, Staff respectfully requests the Commission issue an order opening a generic investigation, and for any further relief the Commission deems just and appropriate.



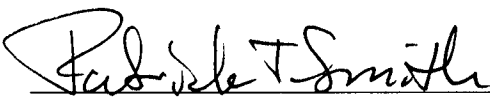
Patrick T. Smith, #18275
Litigation Counsel
Gas and Electric
Kansas Corporation Commission
1500 SW Arrowhead Rd.
Topeka, KS 66604-4027
(785) 271-3173 (telephone)
(785) 271-3167 (facsimile)

Attorney for Commission Staff

VERIFICATION

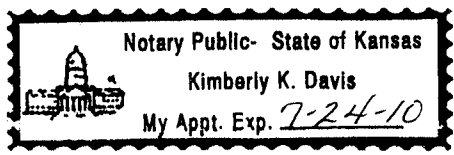
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

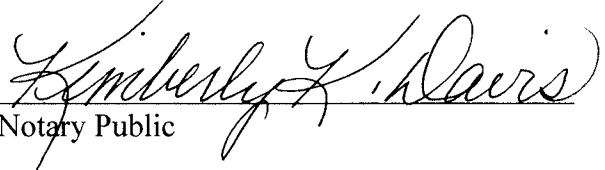
Patrick T. Smith, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the Kansas Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Staff's Motion to Open a Generic Investigation into a Policy for Incentives for Fuel-Switching* and believes that the statements therein are true to the best of his knowledge, information and belief.



Patrick T. Smith
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 8th day of August, 2008.





Notary Public

My Appointment Expires: July 24, 2010

MEMORANDUM

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

From: Janet Buchanan

Date: July 30, 2008

Re: Recommendation to open a docket to consider development of a policy on incentives for fuel-switching.

Date to Legal:

7/31/08

Date to Commissioners:

8/8/08

Executive Summary

Staff suggests the Commission open a docket to consider the development of a policy regarding incentives for fuel-switching for end-use applications. Staff proposes several questions for the Commission to utilize to solicit information from interested parties. Staff suggests that the Commission issue an order with these and any other relevant questions along with a schedule for filing comments.

Background

The issue of whether it is appropriate to offer incentives to encourage consumers to engage in fuel-switching behavior was raised in comments filed in Docket No. 08-GIMX-442-GIV.¹ Through an order issued in that docket on June 3, 2008, the Commission determined it would open a new docket to review this policy issue within 90 days.² While the issue was raised in a docket concerning energy efficiency issues, the concerns related to fuel-switching are more general.

¹ Docket No. 08-GIMX-442-GIV, [Kansas Gas Service] *Reply Comments for the Workshop*, April 16, 2008; and, *Reply Comments of Kansas City Power & Light Company on KCC Energy Efficiency Workshop*, April 16, 2008.

² In the Matter of a General Investigation Regarding Benefit-Cost Analysis and Program Evaluation for Energy Efficiency Programs, Docket No. 08-GIMX-442-GIV, *Order Setting Energy Efficiency Policy Goals, Determining a Benefit-Cost Test Framework, and Engaging a Collaborative Process to Develop Benefit-Cost Test Technical Matters and an Evaluation, Measurement, and Verification Scheme*, June 3, 2008, paragraph 31.

The fuel-switching concern has been discussed over the years in many forums. As mentioned, fuel-switching policy has been raised in the context of energy efficiency programs. It has also been a concern in discussions of renewable energy, the environment, and use of limited resources. Staff cannot find evidence that The National Association of Regulatory Utility Commissioners (NARUC) has taken a position on this issue. Fuel-switching is mentioned in a 2003 Resolution on state commission responses to high prices in the natural gas market and its limited supply; yet the resolution focuses on energy efficiency/conservation efforts for all sources of energy.³ The National Regulatory Research Institute (NRRI) has not published a report on this subject but does list it as a “research project in search of a researcher[.]”⁴ NRRI notes that state commissions must determine whether they should encourage fuel-switching for direct applications and poses several questions for further research. The Energy Trust of Oregon (Energy Trust), the entity charged by the Oregon Public Utility Commission (OPUC) with investing in cost-effective energy conservation in Oregon, has developed a policy on fuel-switching. The Energy Trust has determined that it “. . . should not advocate fuel-switching, but may provide fuel neutral technical information on efficiency options. . . However, the Energy Trust should not provide financial incentives for converting or replacing electric or gas equipment to another fuel.”⁵ Additionally, Staff located a relevant discussion of fuel-switching policy by the Northwest Power and Conservation Council (NPC Council).⁶ The NPC Council lays out its analysis in an issue paper dated July 17, 2001.⁷ At that time the NPC Council determined that consumers should make the decision to switch fuels based on information in the marketplace rather than through incentives provided by a utility.

Analysis/Recommendation

Staff suggests that the scope of this docket be limited to the appropriateness of encouraging fuel-switching for end-use or direct use applications since this is the context in which the issue was raised. Staff has been unable to locate significant research on this topic from which to provide guidance to the Commission. Thus, to assist the Commission in its review of the fuel-switching issue Staff suggests the Commission request interested parties comment on questions intended to gather additional information on fuel-switching. Staff proposes the following questions be posed to interested parties using the research questions of NRRI and the work of the NPC Council as resources.

1. Is general research available regarding the costs and benefits of fuel-switching for end-use applications that can be provided for the Commission’s review? If so, please elaborate and provide citations.
2. Is there research available which indicates the effect of fuel-switching for end-use applications on the environment, energy use and energy costs? If so, please elaborate and provide citations.
3. Is fuel-switching for end-use applications economical and beneficial to the environment? If so, what factors have made customers reluctant to switch fuel sources? What is the cost of removing these barriers? Should the Commission

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⁴ http://nrri2.org/index.php?option=com_content&task=view&id=34&Itemid=51

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⁶ <http://www.nwcouncil.org/library/releases/2001/0926.htm>

⁷ <http://www.nwcouncil.org/library/2001/2001-17.htm>

address these barriers? For instance, should pricing schemes be altered to enable customers to see the economic value of alternatives? Corollary: If fuel-switching is economical but not environmentally the best choice, what factors have made customers switch fuel sources? How should the Commission respond?

4. What is the cost of switching fuels for end-use applications?
5. Under what conditions would it be appropriate for a utility to offer an incentive to switch fuels?
6. How does the cost of increased efficiency for an end-use application within the same fuel source compare with the cost of converting to a new application with a differing fuel source that obtains equal or greater efficiency?
7. Should natural gas and electric utilities be required to work together in their overlapping territories to promote the most efficient fuel for the end-use application?
8. Should the Commission facilitate the coordination and flow of information between gas and electric utilities to promote efficient use of fuels or is there another organization that is more appropriate for this role?
9. Are incentives offered by a utility to utilize its fuel for an end-use application simply a benefit of competition between two competing utilities in a territory where the gas and electric utility are not integrated? Should other ratepayers be required to subsidize this competition? Does the Commission have a regulatory obligation to protect a supplier of one type of energy commodity from competition from alternative types of energy? Does it make a difference if both suppliers are regulated by the Commission compared to one regulated and one unregulated supplier? (Gas to electricity vs. gas to propane. Electricity to gas vs. electricity to solar.)
10. If utilities should be required to promote the most economical or environmentally beneficial fuel, is the issue regarding lost revenue recovery any different than for energy efficiency programs in general?

Staff also suggests that the Commission request that parties provide any additional comments they believe will assist the Commission in its development of a policy on fuel-switching for end-use applications. Staff suggests the Commission request comments be filed within 30 days of the order opening the docket and reply comments filed within 60 days.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Staffs Motion to Open a Generic Investigation into a Policy on Incentives for Fuel-Switching was placed in the United States mail, postage prepaid, or hand-delivered this 8th day of August, 2008, to the following:

JANEE BRIESEMEISTER, GOVERNMENT RELATIONS AND
ADVOCACY
AARP
98 SAN JACINTO BLVD, STE 750
AUSTIN, TX 78701
Fax: 512-480-9799

ERNEST KUTZLEY, KS ADVOCACY DIRECTOR
AARP
555 S KANSAS AVE STE 201
TOPEKA, KS 66603
Fax: 785-232-8259
ekutzley@aarp.org

MAX OTT, MANAGER
ALFALFA ELECTRIC COOPERATIVE, INC.
GENERAL OFFICE
121 E. MAIN STREET
PO BOX 39
CHEROKEE, OK 73728

DEAN MATTHEWS, FIELD OPERATOR
AMARILLO NATURAL GAS COMPANY
2915 I-40 WEST
AMARILLO, TX 79109
Fax: 806-352-3721

ALAN DEGOOD, PRESIDENT
AMERICAN ENERGIES GAS SERVICE, LLC
155 N MARKET STREET
SUITE 710
WICHITA, KS 67202
Fax: 316-263-1851

STEVEN S. WILLIAMS, ESQ.
ANADARKO NATURAL GAS COMPANY
1201 LAKE ROBBINS DRIVE
THE WOODLANDS, TX 77380
Fax: 281-873-3634

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

STEVEN JUREK, VP REGULATORY SERVICES
AQUILA, INC.
D/B/A AQUILA NETWORKS - WPK / AQUILA NETWORKS
- KGO
1815 CAPITOL AVENUE
OMAHA, NE 68102
steve.jurek@aquila.com

BOB HALL, GENERAL MANAGER
ARK VALLEY ELECTRIC COOP., ASSN., INC.
GENERAL OFFICE
P. O. BOX 1246
HUTCHINSON, KS 67504

JOE CHRISTIAN, RATES & REG. AFFAIRS
ATMOS ENERGY CORPORATION
PENN CENTER
SUITE 1800
1301 PENNSYLVANIA ST
DENVER, CO 80203-5015
Fax: 303-837-9549
joe.christian@atmosenergy.com

DOUGLAS C. WALTHER, SR ATTORNEY
ATMOS ENERGY CORPORATION
P O BOX 650205
DALLAS, TX 75265-0205
douglas.walther@atmosenergy.com

KAREN P WILKES
ATMOS ENERGY CORPORATION
PENN CENTER
SUITE 1800
1301 PENNSYLVANIA ST
DENVER, CO 80203-5015
karen.wilkes@atmosenergy.com

CERTIFICATE OF SERVICE

GAS SERVICE CONTACT
ATMOS ENERGY CORPORATION
P O BOX 650205
DALLAS, TX 75265-0205

MATTHEW DAUNIS, DIRECTOR, ENERGY EFFICIENCY
PROGRAMS
BLACK HILLS CORPORATION
110 E 9TH
LAWRENCE, KS 66044

LARRY W HEADLEY, DIRECTOR REGULATORY SERVICES
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
BLACK HILLS UTILITY HOLDINGS INC
1815 CAPITOL AVE
OMAHA, NE 68102

MARGARET A MCGILL, REGULATORY MANAGER
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
BLACK HILLS UTILITY HOLDINGS INC
1815 CAPITOL AVE
OMAHA, NE 68102

KENNETH J. MAGINLEY, MANAGER
BLUESTEM ELECTRIC COOPERATIVE, INC.
524 DEXTER
DISTRICT OFFICE
P.O. BOX 513
CLAY CENTER, KS 67432
Fax: 785-632-5164

KENNETH J. MAGINLEY, MANAGER
BLUESTEM ELECTRIC COOPERATIVE, INC.
614 EAST U.S. HIGHWAY 24
PO BOX 5
WAMEGO, KS 66547-0005
Fax: (785) 456-2003

RODNEY V. GERDES, MANAGER
BROWN-ATCHISON ELEC. COOP. ASSN., INC.
1712 CENTRAL
P.O. BOX 230
HORTON, KS 66439
Fax: 785-486-3910

STACI OLVERA SCHORGL, ATTORNEY
BRYAN CAVE LLP
1200 MAIN STREET
SUITE 3500
KANSAS CITY, MO 64105
Fax: 816-374-3300
soschorgl@bryancave.com

ERNEST J. BARKER, MANAGER
BUTLER RURAL ELECTRIC COOPERATIVE ASSN., INC.
216 S VINE STREET
PO BOX 1242
ELDORADO, KS 67042
Fax: 316-321-9980

KIRK THOMPSON, MANAGER
C. M. S. ELECTRIC COOPERATIVE, INC.
PO BOX 790
MEADE, KS 67864-0790
Fax: 620-873-5303
cms@cmsselectric.com

GLEND A CAFER, ATTORNEY
CAFER LAW OFFICE, L.L.C.
SUITE 101
2921 SW WANAMAKER DRIVE
TOPEKA, KS 66614
Fax: 785-271-9993
gcafer@sbcglobal.net

DAVID A. VINCE, MANAGER
CANEY VALLEY ELEC. COOP. ASSN., INC.
401 LAWRENCE
PO BOX 308
CEDAR VALE, KS 67024
Fax: 620-758-2926

CERTIFICATE OF SERVICE

NIKI CHRISTOPHER, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3116
n.christopher@curb.kansas.gov
**** Hand Deliver ****

C. STEVEN RARRICK, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3116
s.rarrick@curb.kansas.gov
**** Hand Deliver ****

DAVID SPRINGE, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3116
d.springe@curb.kansas.gov
**** Hand Deliver ****

CITY CLERK
CITY OF ALTA VISTA
521 MAIN
PO BOX 44
ALTA VISTA, KS 66834

CITY CLERK
CITY OF ESKRIDGE
CITY HALL
110 SOUTH MAIN STREET
PO BOX 156
ESKRIDGE, KS 66423
Fax: 785-449-7289

DONALD HELLWIG, MANAGER
D.S.& O. RURAL ELEC. COOP., ASSN, INC.
129 WEST MAIN ST
P.O. BOX 286
SOLOMON, KS 67480-2086
Fax: 785-655-2805

JERRY JARRETT, MANAGER
DONIPHAN ELECTRIC COOP. ASSN, INC.
PO BOX 699
101 N MAIN
TROY, KS 66087
Fax: 785-985-2298

WILLIAM L. GIPSON, PRESIDENT / CEO
EMPIRE DISTRICT ELECTRIC COMPANY
602 JOPLIN (64801)
PO BOX 127
JOPLIN, MO 64802
Fax: 417-625-5169

SHERRY MCCORMACK
EMPIRE DISTRICT ELECTRIC COMPANY
602 JOPLIN (64801)
PO BOX 127
JOPLIN, MO 64802
Fax: 417-625-5169
smccormack@empiredistrict.com

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

ROBERT E. REECE, MANAGER
FLINT HILLS RURAL ELECTRIC COOP. ASSN., INC.
PO BOX B
1564 SOUTH 1000 ROAD
COUNCIL GROVE, KS 66846
Fax: 620-767-6311
mail@flinthillsrec.com

ROBERT A. FOX, ATTORNEY
FOULSTON & SIEFKIN LLP
BANK OF AMERICA TOWER, SUITE 1400
534 SOUTH KANSAS AVENUE
TOPEKA, KS 66603-3436
Fax: 785-233-1610
bfox@foulston.com

CERTIFICATE OF SERVICE

CURTIS M. IRBY, ATTORNEY
GLAVES, IRBY & RHOADS
120 SOUTH MARKET
SUITE 100
WICHITA, KS 67202-3892
Fax: 316-264-6860
cmirby@sbcglobal.net

HUDSON H. LUCE, ATTORNEY AT LAW
HUDSON H. LUCE
1626 MACVICAR
TOPEKA, KS 66604
hhluce@yahoo.com

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

PATRICK T SMITH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
p.smith@kcc.ks.gov
**** Hand Deliver ****

DOUGLAS SHEPHERD, DIRECTOR OF SERVICES
KANSAS ELECTRIC COOPERATIVES, INC.
7332 SW 21ST STREET (66615)
PO BOX 4267
TOPEKA, KS 66604-0267
Fax: 785-478-4852
dshepherd@kec.org

STEPHEN PARR, EXEC VP & CEO
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW (66615)
PO BOX 4877
TOPEKA, KS 66604-0877
Fax: 785-271-4888
sparr@kepco.org

DALE COOMES, CEO
HEARTLAND RURAL ELECTRIC COOPERATIVE, INC.
110 N ENTERPRISE DRIVE
PO BOX 40
GIRARD, KS 66743
Fax: 620-724-8253
dalec@heartland-rec.com

ROBERT V. EYE, ATTORNEY
IRIGONEGARAY & ASSOCIATES
1535 SW 29TH STREET
TOPEKA, KS 66611
Fax: 785-267-9458
bob@plilaw.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

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

ROBERT D BOWSER, VICE PRES REGULATORY &
TECHNICAL SERVICES
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW (66615)
PO BOX 4877
TOPEKA, KS 66604-0877
Fax: 785-271-4888
rbowser@kepco.org

J MICHAEL PETERS, GENERAL COUNSEL
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW (66615)
PO BOX 4877
TOPEKA, KS 66604-0877
Fax: 785-271-4884
mpeters@kepco.org

CERTIFICATE OF SERVICE

JIM LUDWIG, VP REGULATORY
KANSAS GAS & ELECTRIC CO.
D/B/A WESTAR ENERGY
818 S KANSAS AVE
TOPEKA, KS 66612
james.ludwig@westarenergy.com

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

DAVE DITTEMORE, MANAGER OF RATES & ANALYSIS
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
ddittemore@oneok.com

WALKER HENDRIX, DIR, REG 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

LARRY WILLER, DIR RATES & REG
KANSAS GAS SERVICE, A DIVISION OF ONEOK, INC.
7421 W 129TH STREET STE 300 (66213)
PO BOX 25957
SHAWNEE MISSION, KS 66225
Fax: 913-319-8675
lwiller@kgas.com

JAMES R. WIDENER, MANAGER
KANSAS MUNICIPAL ENERGY AGENCY
6330 LAMAR AVENUE
SUITE 110
OVERLAND PARK, KS 66202
Fax: 913-677-0804

COLIN HANSEN, EXECUTIVE DIRECTOR
KANSAS MUNICIPAL UTILITIES, INC.
101 1/2 NORTH MAIN
MCPHERSON, KS 67460
Fax: 620-241-7829
chansen@kmmunet.org

DANIEL J. O'BRIEN, GENERAL MANAGER
KAW VALLEY ELEC. COOP. ASSN. CO., INC.
P.O. BOX 750640
1100 SW AUBURN ROAD (66615)
TOPEKA, KS 66675-0640
Fax: 785-478-1088
danobrien@kve.coop

EARL N. STEFFENS, GENERAL MGR.
LANE-SCOTT ELECTRIC COOPERATIVE, INC.
PO BOX 758
410 S HIGH (67839)
DIGHTON, KS 67839-0758
Fax: 620-397-5997

STEVEN O. FOSS, MANAGER
LEAVENWORTH-JEFFERSON ELEC. COOP., INC
507 N UNION (66054)
PO BOX 70
MCLOUTH, KS 66054-0070
Fax: 913-796-6164
stevef@ljec.coop

LIZ BROSIUS, DIRECTOR
LIZ BROSIUS
KANSAS ENERGY COUNCIL
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3268
l.brosius@kcc.ks.gov

SCOTT WHITTINGTON, GENERAL MANAGER
LYON-COFFEY ELECTRIC COOPERATIVE, INC.
1013 N 4TH STREET (66839)
P. O. BOX 229
BURLINGTON, KS 66839-0229
Fax: 620-364-5122

CERTIFICATE OF SERVICE

GREGORY K. LAWRENCE, ATTORNEY
MCDERMOTT WILL & EMERY LLP
28 STATE STREET
BOSTON, MA 02109-1775
Fax: 617-535-3800
glawrence@mwe.com

STEVE COTTRELL, GENERAL MGR
MIAMI PIPE LINE COMPANY, INC.
31395 OLD KC RD
PAOLA, KS 66071-4841
cottrell@micoks.net

EARNIE LEHMAN, CEO, PRES. & MGR.
MIDWEST ENERGY, INC.
1330 CANTERBURY ROAD
PO BOX 898
HAYS, KS 67601-0898
Fax: 785-625-1494

MICHAEL J VOLKER, DIR REGULATORY & ENERGY
SERVICES
MIDWEST ENERGY, INC.
1330 CANTERBURY ROAD
PO BOX 898
HAYS, KS 67601-0898
Fax: 785-625-1494
mvolker@mwenergy.com

CARLA A. BICKEL, GEN. MANAGER
NINNESCAH RURAL ELECTRIC COOPERATIVE ASSN.,
INC.
PO BOX 967
20112 W. U.S. 54 HIGHWAY (67124)
PRATT, KS 67124-0967
Fax: 620-672-6852

ANNE E. CALLENBACH, ATTORNEY
POL SINELLI SHALTON FLANIGAN & SUELTHAUS
6201 COLLEGE BLVD
SUITE 500
OVERLAND PARK, KS 66211
Fax: 913-451-6205
acallenbach@polsinelli.com

GRACE C. WUNG, ATTORNEY
MCDERMOTT WILL & EMERY LLP
28 STATE STREET
BOSTON, MA 02109-1775
Fax: 617-535-3800
gwung@mwe.com

C/O DAVID CRISP
MID CONTINENT MARKET CENTER, INC.
PO BOX 22089
TULSA, OK 74121
Fax: 918-588-7980
dcrisp@oneok.com

PATRICK PARKE, VP CUSTOMER SERVICE
MIDWEST ENERGY, INC.
1330 CANTERBURY ROAD
PO BOX 898
HAYS, KS 67601-0898
Fax: 785-625-1494
patparke@mwenergy.com

KATHLEEN M BRINKER, GENERAL MANAGER
NEMAHA-MARSHALL ELECTRIC COOPERATIVE ASSN.,
INC.
402 PRAIRIE STREET (66403)
PO BOX 0
AXTELL, KS 66403-0235
Fax: 785-736-2348
kmbrinker@bbwi.net

DAVID L. JESSE, CEO
PIONEER ELECTRIC COOP. ASSN., INC.
1850 W OKLAHOMA (67880)
PO BOX 368
ULYSSES, KS 67880-0368
Fax: 620-356-4306
djesse@pld.com

FRANK A. CARO, JR., ATTORNEY
POL SINELLI SHALTON FLANIGAN & SUELTHAUS
6201 COLLEGE BLVD
SUITE 500
OVERLAND PARK, KS 66211
Fax: 913-451-6205
fcaro@polsinelli.com

CERTIFICATE OF SERVICE

ALLAN MILLER, GENERAL MANAGER
PRAIRIE LAND ELECTRIC COOPERATIVE, INC.
DISTRICT OFFICE
PO BOX 160
BIRD CITY, KS 67731
Fax: 785-734-2669
amiller@prairielandelectric.com

LEAH TINDLE, ADM. MANAGER
RADIANT ELECTRIC COOPERATIVE, INC.
100 NORTH 15TH STREET (66736)
PO BOX 390
FREDONIA, KS 66736-0390
Fax: 620-378-3164

DOUGLAS J JACKSON, MANAGER
ROLLING HILLS ELECTRIC COOPERATIVE, INC.
122 W MAIN
PO BOX 307
MANKATO, KS 66956
Fax: 785-378-3219

ALAN L. HENNING, MANAGER
SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSN.,
INC
1355 S 383RD STREET
P.O. BOX 220 (67025-0220)
CHENEY, KS 67025
Fax: 316-542-3943

DIANE C. BROWNING, ATTORNEY/KSOPHN0212-2A411
SPRINT COMMUNICATIONS COMPANY L.P.
6450 SPRINT PKWY
OVERLAND PARK, KS 66251
Fax: 913-523-0571
diane.c.browning@sprint.com

CLETAS C. RAINS, GENERAL MANAGER/CEO
SUMNER-COWLEY ELECTRIC COOPERATIVE, INC.
2223 NORTH A STREET
PO BOX 220 (67152-0220)
WELLINGTON, KS 67152
Fax: 620-326-6579-6618
cleter@sucocoop.com

ALLAN MILLER, GENERAL MANAGER
PRAIRIE LAND ELECTRIC COOPERATIVE, INC.
1101 WEST HIGHWAY 36 (67654)
PO BOX 360
NORTON, KS 67654-0360
Fax: 785-877-3572
amiller@prairielandelectric.com

DOUGLAS JACKSON, MANAGER
ROLLING HILLS ELECTRIC COOPERATIVE, INC.
208 WEST 1ST STREET
DISTRICT OFFICE #1
P.O. BOX 125
ELLSWORTH, KS 67439
Fax: 785-472-4652

DOUGLAS J. JACKSON, MANAGER
ROLLING HILLS ELECTRIC COOPERATIVE, INC.
DISTRICT OFFICE
2305 US 81 HIGHWAY
P.O. BOX 309
BELLEVILLE, KS 66935
Fax: 785-527-2830

SUSAN B CUNNINGHAM, ATTORNEY
SONNENSCHN NATH & ROSENTHAL LLP
1026 SW WEBSTER AVENUE
TOPEKA, KS 66604
Fax: 816-531-7545
scunningham@sonnenschein.com

KENNETH A. SCHIFMAN, ATTORNEY/MS: KSOPHN0212-
2A303
SPRINT COMMUNICATIONS COMPANY L.P.
6450 SPRINT PKWY
OVERLAND PARK, KS 66251
Fax: 913-523-9827
kenneth.schifman@sprint.com

THOMAS K. HESTERMANN, MANAGER, REGULATORY
RELATIONS
SUNFLOWER ELECTRIC POWER CORPORATION
301 W. 13TH
PO BOX 1020 (67601-1020)
HAYS, KS 67601
Fax: 785-623-3373
tkhestermann@sunflower.net

CERTIFICATE OF SERVICE

L. EARL WATKINS, JR., CEO & PRESIDENT
SUNFLOWER ELECTRIC POWER CORPORATION
301 W. 13TH
PO BOX 1020 (67601-1020)
HAYS, KS 67601
Fax: 785-623-3395
ewatkins@sunflower.net

RON HOLSTEEN, MANAGER
TWIN VALLEY ELECTRIC COOPERATIVE, INC.
PO BOX 385
501 HUSTON
ALTAMONT, KS 67330-0385
Fax: 620-784-2464

JUDITH KIM, SENIOR COUNSEL
WAL-MART STORES, INC.
2001 SE 10TH ST
SAM M. WALTON DEVELOPMENT COMPLEX
BENTONVILLE, AR 72716-0550
judith.kim@walmartlegal.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
marty.bregman@westarenergy.com

MIKE LENNEN, VP REGULATORY AFFAIRS
WESTAR ENERGY, INC.
818 S KANSAS AVENUE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8119
michael.lennen@westarenergy.com

NEIL K. NORMAN, MANAGER
WHEATLAND ELECTRIC COOPERATIVE, INC.
101 MAIN STREET
PO BOX 230
SCOTT CITY, KS 67871
Fax: 620-872-7170
nknorman@weci.net

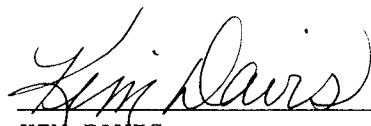
JACK L. PERKINS, CHIEF EXECUTIVE OFFICER
TRI-COUNTY ELECTRIC COOPERATIVE, INC.
302 EAST GLAYDAS, PO BOX 880
HOOKER, OK 73945-0880
Fax: 580-652-3151

TERRY JANSON, GENERAL MANAGER
VICTORY ELECTRIC COOPERATIVE ASSN., INC.
3230 NORTH 14TH AVENUE
PO BOX 1335
DODGE CITY, KS 67801-1335
Fax: 620-227-8819
victory@victoryelectric.net

MARK D. CALCARA, ATTORNEY
WATKINS CALCARA CHTD.
1321 MAIN STREET SUITE 300
PO DRAWER 1110
GREAT BEND, KS 67530
Fax: 620-792-2775
mcalcara@wcrf.com

CATHRYN J. DINGES, CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVENUE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathryn.j.dinges@westarenergy.com

DAVID L. SCHNEIDER, MANAGER
WESTERN COOPERATIVE ELECTRIC ASSN., INC.
635 S 13TH STREET
P.O. BOX 278
WA KEENEY, KS 67672-0278
Fax: 785-743-2717
western@ruraltel.net



KIM DAVIS
Administrative Specialist