

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Mid-Kansas)
Electric Company, LLC for Approval to Make) Docket No. 12-MKEE-491-RTS
Certain Changes in its Charges for Electric)
Services in the Geographic Service Territory)
Served by Western Cooperative Electric)
Association Inc.)

Received
on

MAR 05 2012

**PREHEARING BRIEF OF
THE CITIZENS' UTILITY RATEPAYER BOARD**

by
State Corporation Commission
of Kansas

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and pursuant to the February 27, 2012 Prehearing Officer's Order for Prehearing Briefs, ("February 27th Order"), submits CURB's Prehearing Brief.

1. The February 27th Order issued by the Prehearing Officer directed the parties to brief the following issue in prehearing briefs on or before March 5, 2012:

(A) Is there a legal necessity to hold a public hearing in the above-captioned matter? (The Commission desires a clear affirmative or negative response, with a legal basis.)

(B) Is it wise public policy to hold a public hearing in a rate case involving electric cooperative owner/members?

2. The February 27th Order indicated the prehearing briefs should be limited to no more than five pages, submitted no later than Monday, March 5, 2012, at 5:00 p.m., and served electronically upon all parties, including the Prehearing Officer.

I. Public Hearings Are Not Required by Statute, But Have Historically Been Scheduled in Kansas Rate Proceedings.

3. Public hearings are not specifically required by Kansas statutes in Kansas rate cases, but the Kansas Corporation Commission ("Commission") has historically scheduled public hearings

in rate cases to give ratepayers impacted by the utility's proposed changes the opportunity (1) to inquire of the company regarding the Application and (2) to present statements to the Commission regarding the requested changes.¹ The Commission has recognized the importance of conducting a public hearing in a docket that constitutes a major rate application or that the Commission determines is of sufficient public concern in promulgating K.A.R. 82-1-231(g).

4. K.A.R. 82-1-231(g) states:

In any docket that constitutes a major rate application or that the commission determines is of sufficient public concern, one or more public information hearings may be ordered by the commission to be held in the service territory affected by the application. The order shall require publication notice of the filing of the application. The publication notice shall give a concise description of the filing and advise the public of the date and location of each public information hearing. The public information hearing shall provide an opportunity for the applicant to explain its application and shall provide an opportunity for the public to address the commission concerning the application. A transcript shall be made of the public information hearing, but the transcript shall not become a part of the record in the proceeding.

5. The Commission has not defined what constitutes a “major rate application” or what it considers to be of “sufficient public concern.” Small business ratepayers, water pump, and irrigation service customers in this docket are facing 10.4% proposed rate increases. The proposed rate increase for residential ratepayers is 5%, which is no small thing in these difficult economic times. It is difficult to imagine that those ratepayers do not consider the proposed rate increases to be of sufficient public concern, and as such they should be allowed to inquire about the reasons for the proposed rate increase and to present testimony to the Commission about the proposed rate increase.

¹ Order Scheduling Additional Public Hearing, Docket No. 10-EPDE-314-RTS, ¶ 4.

II. It is Wise Public Policy to Provide a Public Hearing for Ratepayers of Regulated Electric Cooperatives.

6. The importance of rate proceedings in general rate, notice to customers, and public hearings has been highlighted in recent years in hearings at the Kansas Legislature regarding proposed rate increases and rate design issues related to Suburban Water Company and Kansas City Power & Light Company. In light of those legislative hearings, it would appear the Kansas legislature considers public hearings to be an important aspect of rate proceedings in Kansas and something that should be provided to Kansas ratepayers.

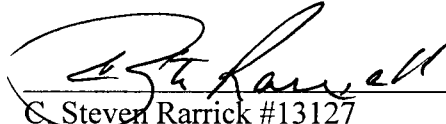
7. Contrary to testimony by the Company in its Application, ratepayers of regulated electric cooperatives are no different than customers of regulated investor owned utilities. These ratepayers are suffering through the same difficult economic times and struggling to pay their bills, just like customers of regulated investor owned utilities. These ratepayers have no direct voice in the daily operations of the company that provides their electricity, and no involvement in the Company's decision to increase the rates they pay for electricity.

8. Denying these customers the opportunity to inquire about the reasons for the proposed rate increase and the opportunity to present testimony to the Commission about the proposed rate increase would be unwise public policy. CURB urges the Commission to hold public hearings to provide customers of regulated electric cooperatives the same opportunity to seek answers from the Company for the proposed increases and to provide testimony to the Commission about the proposed increases.

III. Conclusion.

9. WHEREFORE, CURB respectfully urges the Commission to conclude that a public hearing should be provided to the ratepayers of Mid-Kansas Electric Company in the service territory served by Western Cooperative Electric Association, Inc.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Steven Rarrick", is written over a horizontal line.

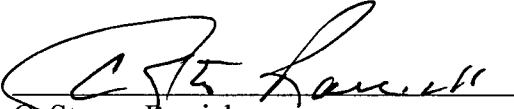
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VERIFICATION

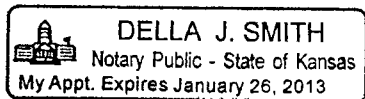
STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

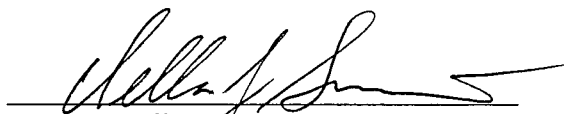
I, C. Steven Rarrick, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for the above named petitioner; that he has read the above and foregoing Intervention, 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 5th day of March, 2012.


DELLA J. SMITH
Notary Public - State of Kansas
My Appt. Expires January 26, 2013


Notary Public

My Commission expires: 01-26-2013.

CERTIFICATE OF SERVICE

12-MKEE-491-RTS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was sent by electronic mail or hand-delivered this 5th day of March, 2012, to the following:

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