

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Joint Application of)
Aquila, Inc., d/b/a Aquila Networks – WPK) Docket No. 06-MKEE-524-ACQ
 (“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.)

Received
on

JUL 31 2013

by
State Corporation Commission
of Kansas

**INITIAL RESPONSE OF CURB TO MID-KANSAS’
REPORT AND MOTION FOR RELIEF, MOTION
FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL
RESPONSE, AND MOTION TO AMEND PROCEDURAL SCHEDULE**

COMES NOW, the Citizens’ Utility Ratepayer Board (“CURB”), and submits its Initial Response to the Report and Motion for Relief filed by Mid-Kansas Electric Company, LLC (“Mid-Kansas”), Motion for Extension of Time to File Supplemental Response, and Motion to Amend Procedural Schedule. In support of its response and motions, CURB states as follows:

1. On July 16, 2013, Mid-Kansas filed a Report and Motion for Relief (“Motion”) requesting that the Commission issue an order making the following findings:

- The TIER reports required to be filed under the Commission’s February 23, 2007, Order Adopting Stipulation and Agreement (“February 23, 2007 Order”) are in compliance with the Stipulation and Agreement in this docket on January 10, 2007 (“S&A”);
- Waive any refunds found to be due under the S&A and February 23, 2007 Order, or in the alternative, find that no refund is required on the grounds that the benefits received by the customers exceed the benefits to the customers from a refund and excess margins, if any, have been credited to the customers through customer patronage; and
- Any other and further relief the Commission deems just and reasonable.

2. CURB was a party to the S&A in this docket referenced above.

3. While Mid-Kansas' Motion was fax-filed on July 16, 2013, it was served on the parties by U.S. mail on July 18, 2013.¹ CURB's Response is due 10 days after service pursuant to K.A.R. 82-1-218(d). CURB's response is therefore due on August 1, 2013.

4. CURB joins Staff in stating that a response to Mid-Kansas' Motion within the 10 days required under K.A.R. 82-1-218(d) is not possible due to the complexity of the issues presented in Motion, as well as the procedural and historical background of this docket. Additional time is needed to allow the parties to verify the information and data presented in Mid-Kansas' Motion before the parties will be able to support or oppose the assertions made by Mid-Kansas in its Motion. As a result, CURB joins Staff in requesting an additional 60 days to file a supplemental response to the merits of the Motion filed by Mid-Kansas.

5. Because the discovery cutoff in this docket expired on December 29, 2006,² CURB additionally requests that the Commission amend the procedural schedule to allow CURB and Staff to conduct discovery on the issues raised by the Motion filed by Mid-Kansas to coincide with the 60 days requested to file supplemental responses to the Motion filed by Mid-Kansas.

6. CURB further joins Staff in requesting that the Commission delay ruling on the merits of the Mid-Kansas' Motion until after Staff and CURB have had the opportunity to fully investigate the issues raised in the Mid-Kansas' Motion.

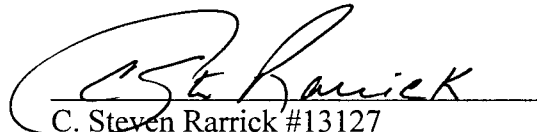
WHEREFORE, CURB respectfully requests the Commission grant Staff and CURB an additional 60 days time to complete its investigation and file its supplemental response to Mid-

¹ Electronic service of pleadings has not been agreed to or approved by Commission Order in this docket. The Motion served by U.S. mail was not received by CURB until July 22, 2013, but was mailed on July 18, 2013 (authorized method of service in this docket) and sent electronically on July 18, 2013.

² Order Adopting Procedural Schedule, ¶¶ 6-7.

Kansas' Report and Motion for Relief, delay ruling on the merits of said Motion until Staff and CURB have filed their supplemental responses, amend the Procedural Schedule, and for such and further relief as the Commission deems just and proper.

Respectfully submitted,

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

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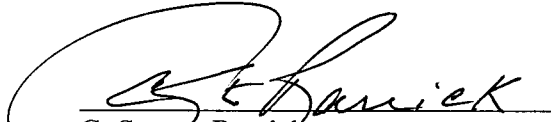
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VERIFICATION

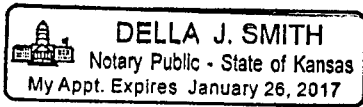
STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

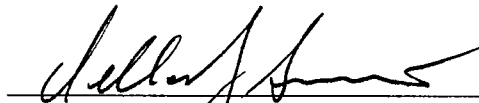
I, C. Steven Rarrick, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for the above named petitioner; that he has read the above and foregoing 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 31st day of July, 2013.




Notary Public

My Commission expires: 01-26-2017

CERTIFICATE OF SERVICE

06-MKEE-524-ACQ

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 31st day of July, 2013, to the following:

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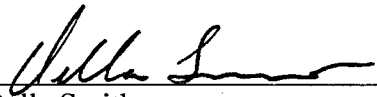
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