



Kansas Electric Power Cooperative, Inc.

November 13, 2007

Ron Horstman
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Western Area Power Administration
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Email: horstman@wapa.gov

Dear Mr. Horstman:

Kansas Electric Power Cooperative, Inc. (KEPCo) offers the following comments in response to the Notice of Proposed Rulemaking as published in the Federal Register on August 21, 2007 regarding Western Area Power Administration's (Western) Integrated Resource Planning (IRP) regulations (10 C.F.R. 905.11). KEPCo is a not-for-profit generation and transmission cooperative (G&T), headquartered in Topeka, Kansas. KEPCo was incorporated in 1975 to provide its nineteen member distribution cooperatives with a reliable power supply at a reasonable cost.

In 10 C.F.R. 905.23 Western proposes to make IRP's more readily accessible to the public by posting the IRP documents on Western's external website. Western states this is consistent with the requirement for full public participation in the preparation, development, revision or amendment of the IRP. Western's rationale for this change is feedback from interested parties that Western's customers IRP's are more difficult to obtain than investor-owned utility IRP's. Western also states customers may continue to request confidential treatment of sensitive information covered by an exemption in the Freedom of Information Act when the IRP is filed with Western, but goes on to state that Western will make the final decision on whether the information is sensitive and will be redacted and not released.

KEPCo offers the following comments regarding Western's proposed changes:

1. A general comment is that the electric industry has changed fundamentally since the Energy Policy Act of 1992. The

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generation segment of the power business is deregulated and thus information regarding Purchase Power Agreements and specific power contract transactions in IRP's is sensitive confidential information.

2. Under the Freedom of Information Act, information can be withheld from the petitioner if the information asked for falls under one or more of the nine listed exemptions. The one most commonly cited by utilities for not releasing information is number 4: Trade Secrets and Commercial or Financial Information Obtained from a Person and Privileged or Confidential. KEPCo is concerned sensitive confidential information would have a greater potential to be released to the public under Western's proposed changes if the IRP was posted to Western's external web site. Alternatively, this information could be excluded by the customer from the IRP filed with Western, therefore diluting the value of information in the IRP to Western.
3. The Energy Policy Act of 1992 has no provision for making customer IRP's readily available. KEPCo questions the claim received in Western feedback that Investor Owned Utility IRP's are easier to obtain. No factual evidence is cited for the basis of this claim. Additionally, in Kansas there is no statutory or regulatory requirement for investor-owned utilities to conduct an IRP.
4. KEPCo believes there would be an additional cost associated in making the IRP's more readily available to "interested parties" by posting them on the Western external website. KEPCo believes this cost should be to the account of the "interested parties" not the customer.
5. KEPCo believes the customer not Western should be the final authority on interpreting what information is sensitive and confidential under the Freedom of Information Act.
6. Western should not be inserting itself in the middle of communication between "interested parties" and the customer regarding "interested parties" participation in the customer's IRP process including requesting a copy of the IRP.
7. KEPCo suggests that a policy be adopted by Western that if a request for a customer's IRP is made; Western would notify the

Ron Horstman
November 13, 2007
Page 3

customer as the requesting party and nature of the request prior to releasing any information.

In summary, KEPCo believes that Western in balancing the ease of accessibility by "interested parties" vs. the concerns and issues raised above by KEPCo should only web post those IRP's by those customers specifically so requesting.

Should you have any questions, please contact me at your convenience.

Best regards,

A handwritten signature in black ink, appearing to be 'LE' or similar initials, written in a cursive style.

Les Evans
Vice President Power Supply