

Exhibit No.: \_\_\_\_\_  
Issues: Accounting Authority Order  
Witness: Michael R. Noack  
Sponsoring Party: Missouri Gas Energy  
Case No.: GU-2010-0015  
Type of Exhibit: Direct Testimony  
Date: August 25, 2009

MISSOURI PUBLIC SERVICE COMMISSION

MISSOURI GAS ENERGY

CASE NO. GU-2010-0015

DIRECT TESTIMONY OF

MICHAEL R. NOACK

Jefferson City, Missouri

August 2009

**DIRECT TESTIMONY OF MICHAEL R. NOACK**

**CASE NO. GU-2010-0015**

**AUGUST 2009**

**INTRODUCTION**

1

2 **Q. WOULD YOU PLEASE STATE YOUR NAME AND BUSINESS**  
3 **ADDRESS?**

4 A. My name is Michael R. Noack and my business address is 3420 Broadway,  
5 Kansas City, Missouri 64111.

6

7 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

8 A. I am employed by Missouri Gas Energy, a division of Southern Union Company  
9 (MGE or Company), as Director of Pricing and Regulatory Affairs.

10

11 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL**  
12 **EXPERIENCE.**

13 A. I received a Bachelor of Science in Business Administration with a major in  
14 Accounting from the University of Missouri in Columbia in 1973. Upon  
15 graduation, I was employed by Troupe Kehoe Whiteaker & Kent (TKWK), a  
16 Certified Public Accounting Firm in Kansas City, Missouri. I spent  
17 approximately 20 years working with TKWK or firms that were formed by former  
18 TKWK employees or partners. I was involved during that time in public utility  
19 consulting and financial accounting, concentrating primarily on rate cases for  
20 electric and gas utilities and financial audits of independent telephone companies  
21 across the United States. In 1992, I started Carleton B. Fox Co. Inc. of Kansas  
22 City which was an energy consulting company specializing in billing analysis and  
23 tariff selection for large commercial and industrial customers. In July of 2000, I

1 started my employment with MGE. Presently, I hold in good standing, a Certified  
2 Public Accountant certificate in the state of Kansas and am a member of the  
3 Kansas Society of Certified Public Accountants.  
4

5 **PURPOSE**

6 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS**  
7 **PROCEEDING BEFORE THE MISSOURI PUBLIC SERVICE**  
8 **COMMISSION (“COMMISSION”)?**

9 A. The purpose of my testimony is to support MGE’s request that the Commission  
10 issue an Accounting Authority Order (“AAO”) that will allow MGE to defer for  
11 consideration in the next rate case, property taxes assessed by Kansas tax  
12 authorities, and paid by MGE, on inventories of gas held on MGE’s account for  
13 resale and stored in underground formations (gas in storage) in the State of  
14 Kansas. I will explain to the Commission why this expense is appropriate for  
15 deferral.  
16

17 **NEW KANSAS TAX**

18 **Q. WOULD YOU PLEASE DESCRIBE THE KANSAS STORAGE GAS**  
19 **PROPERTY TAX AT ISSUE, AS YOU UNDERSTAND IT?**

20 A. On April 17, 2009, Kansas Governor Kathleen Sebelius signed into law House  
21 Substitute for Senate Bill No. 98 (attached hereto as **Schedule MRN-1**) which is  
22 an omnibus property tax measure that contains a provision amending the  
23 definition of a public utility for property tax purposes in an effort to place stored  
24 natural gas on the tax rolls. The legislation was made retroactive to inventories

1 held as of January 1, 2009, which means property taxes will be assessed in 2009  
2 based upon gas in storage as of January 1, 2009.

3

4 **Q. DOES MGE STORE NATURAL GAS IN KANSAS?**

5 A. Yes. As a part of its routine operations, MGE 's natural gas storage  
6 balance volume is partially allocated by Panhandle Eastern Pipe Line and  
7 Southern Star Central Gas Pipeline to underground formations in the state of  
8 Kansas.

9

10 **AMOUNT OF TAX**

11 **Q. IF THIS TAX IS UPHELD, WILL THE AMOUNT OF TAX TO BE PAID**  
12 **BY MGE FROM YEAR TO YEAR BE CONSISTENT?**

13 A. No. The amount of taxes assessed to MGE by Kansas is based on the value of the  
14 gas in storage as of December 31 for each year. Because it is based on the value  
15 of the stored gas, the amount of tax owed will fluctuate in future years as the  
16 value of the gas goes up and down due to changes in both price and volume.

17

18 **Q. WHAT IS THE ESTIMATED AMOUNT OF THE BILLED PROPERTY**  
19 **TAX BASED UPON THE JANUARY 1, 2009 GAS IN STORAGE?**

20 A. The estimated amount of property taxes to be billed and payable, based on  
21 January 1, 2009 storage volumes in Kansas, is \$1,345,123. Attached as **Schedule**  
22 **MRN-2**, is the computation of the estimate. **Schedule MRN-2** was prepared by  
23 me using the assessed valuation computation dated August 21, 2009, sent by the

1 Kansas Department of Revenue. The assessed valuation is attached as Schedule  
2 MRN-3.

3  
4 **Q. HAVE THESE TAXES BEEN RECORDED ON MGE'S BOOKS AND**  
5 **RECORDS IN 2009?**

6 A. Yes. Seven months of the estimated tax has been accrued on MGE's books as of  
7 July 31, 2009. A monthly accrual of \$65,376 will need to be recorded for each of  
8 the remaining months in 2009.

9  
10 **Q. DO MGE'S CURRENT RATES INCLUDE ANY ALLOWANCE FOR**  
11 **RECOVERY OF KANSAS STORAGE GAS PROPERTY TAXES?**

12 A. No.

13

14 **PREVIOUS ATTEMPTS/APPEALS**

15 **Q. HAS KANSAS PREVIOUSLY ATTEMPTED TO TAX NATURAL GAS**  
16 **STORED IN THE STATE OF KANSAS?**

17 A. Yes. Kansas has previously attempted to tax natural gas held in storage in that  
18 state on at least two occasions. The Company participated in appeals of both of  
19 these attempts to tax storage gas. The first attempt was thwarted by an October  
20 2003 Kansas Supreme Court decision in an appeal brought by MGE and other  
21 companies, holding that out-of-state natural gas distributors, such as MGE, were  
22 entitled to a merchant's inventory exemption from the property tax by the terms  
23 of the Kansas constitution. The companies also prevailed in their appeal of the  
24 2004 legislation.

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**Q. IS IT MGE'S INTENTION TO CHALLENGE THE LAWFULNESS OF THIS TAX?**

A. The Company is evaluating an appeal to the Kansas Board of Tax Appeals, as well as to the Kansas courts, of the recent Kansas legislation imposing property taxes on the value of gas held in storage facilities in Kansas beginning in 2009.

**Q. HAS MGE PREVIOUSLY ATTEMPTED TO INCLUDE GAS STORAGE PROPERTY TAXES IN RATES WHILE THE TAX WAS UNDER APPEAL?**

A. Yes. That was the situation during MGE's general rate case that was considered by the Commission while the 2004 Kansas property tax legislation was under appeal (Commission Case No. GR-2004-0209).

**Q. DID THE COMMISSION INCLUDE THOSE PROPERTY TAXES IN MGE'S RATES?**

A. No. The Commission denied recovery of the costs associated with the property taxes in Case No. GR-2004-0209, stating that this "potential tax liability is not currently known or measurable and on that basis it cannot be included in MGE's cost of service." The reason the taxes were said to not be know and measurable was the pendency of MGE's appeal.

**PAST COMMISSION TREATMENT**

1 Q. HAS THE COMMISSION ADDRESSED A SIMILAR REQUEST FROM  
2 MGE FOR AN ACCOUNTING AUTHORITY ORDER (AAO) RELATED  
3 TO KANSAS STAORAGE GAS PROPERTY TAXES?

4 A. Yes. Subsequent to the Commission's decision in Case No. GR-2004-0209, MGE  
5 requested that the Commission grant it an AAO related to the 2004 legislation. In  
6 Case No. GU-2005-0095, the Commission granted MGE an AAO concerning the  
7 2004 Kansas property tax legislation and, in doing so, found as follows:

8 The Kansas property tax on gas held in storage in that state  
9 is unusual in that MGE, which does not serve customers in Kansas,  
10 has never before had to pay property tax in Kansas. However, if  
11 the Kansas taxes are found to be legal in the ongoing court  
12 challenge, and MGE is required to pay the tax, it should be able to  
13 recover those tax payments for future years through its rates when  
14 it includes those taxes in its cost of service in a future rate case.  
15

16 Q. WHAT IS YOUR UNDERSTANDING AS TO THE CIRCUMSTANCES  
17 UNDER WHICH THE COMMISSION MAY GRANT AN ACCOUNTING  
18 AUTHORITY ORDER?

19 A. It is my understanding that an accounting authority order may generally be  
20 utilized in situations where the requesting utility has incurred a cost that is  
21 extraordinary, unusual or unique.  
22

23 Q. WHY SHOULD THIS EXPENSE BE DEFERRED THROUGH AN AAO?

24 A. This tax is unusual in that it has never been assessed against the gas in storage  
25 held in Kansas and is unique in that MGE still has never before paid property  
26 taxes on storage gas in the State of Kansas.  
27

1 **Q. IS THIS TAX A USUAL, ORDINARY AND RECURRING PROPERTY**  
2 **TAX?**

3 A. No. This is not a usual, ordinary or recurring property tax at this time. By the  
4 time the next rate case is filed, if the property tax on gas stored in Kansas is not  
5 struck down by the courts it might very well be a usual, ordinary and recurring  
6 expense similar to other property taxes. Until then, however, Kansas storage gas  
7 property taxes are more accurately characterized as unusual, extraordinary and  
8 non-recurring.

9

10 **Q. DID THE COMMISSION FIND THE TAX CREATED BY THE 2004**  
11 **KANSAS LEGISLATION TO BE EXTRAORDINARY?**

12 A. Yes. In deciding to grant MGE an AAO in Case No. GU-2005-0095, the  
13 Commission found that these specific taxes were “extraordinary, unusual and  
14 unique, and not recurring” because of the special facts surrounding them such as  
15 the fact that MGE had never had to pay this tax in the past, the significant dollar  
16 amount at issue, the fact that MGE could not file a rate case to recover the  
17 expense because of the ongoing appeal and the general uncertainty related to the  
18 tax.

19

20

**MATERIALITY**

21 **Q. IS THE AMOUNT OF THIS EXPENSE SIGNIFICANT TO MGE?**

22 A. Yes. Based on the rate case model in Case No. GR-2009-0355, excluding the  
23 requested increase of \$32,416,997, the property taxes on gas in storage would  
24 amount to 10.60% of net income.



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**Q. WHY WAS THE RATE CASE MODEL USED FOR THIS COMPUTATION?**

A. Because MGE is a division of Southern Union Company, all of the debt and interest expense is recorded on the books of Southern Union Company and not on MGE's books. The monthly operating statements of MGE only show operating income and not net income. As a result a percent of net income test cannot be performed on actual MGE results. By using the rate case model, a more accurate representation of the magnitude of the property taxes can be shown. In this case, the percentage is 10.60%.

**Q. WHAT HAPPENS IF THE AAO IS DENIED AND MGE ULTIMATELY HAS TO PAY THE PROPERTY TAXES TO KANSAS?**

A. If the AAO is denied, MGE will not be afforded any reasonable opportunity to earn its rate of return. This is because \$1,345,123 of property tax expense for 2009 will have been paid by MGE even though \$0 for such item have been included in MGE's cost of service and rates. Of course, the situation compounds for the worse in each successive year that the taxes are paid by MGE without either an AAO or inclusion of such amounts in the calculation of its cost of service and rates.

**Q. WHAT IS YOUR RECOMMENDATION TO THE COMMISSION?**

1 A. I recommend the Commission grant MGE an AAO allowing MGE to defer the  
2 new Kansas storage gas property taxes for potential recovery in a future rate case,  
3 to the extent they are ultimately paid by MGE.  
4

5 **ACCOUNTING AUTHORITY ORDER LANGUAGE**

6 **Q. WHAT LANGUAGE DOES MGE ASK THE COMMISSION TO ADOPT**  
7 **IN REGARD TO AN ACCOUNTING AUTHORITY ORDER?**

8 A. MGE asks that the Commission issue an order that includes the following  
9 language:

10 “That Missouri Gas Energy, a division of Southern Union Company, (“MGE”) is  
11 granted an Accounting Authority Order whereby the company is authorized to  
12 record on its books a regulatory asset, which represents the expenses associated  
13 with the property tax to be paid to the state of Kansas pursuant to House  
14 Substitute for Senate Bill No. 98. MGE may maintain this regulatory asset on its  
15 books until the effective date of the Report and Order in MGE’s general rate  
16 proceeding immediately subsequent to Case No. GR-2009-0355.”  
17

18 **Q. DOES THAT CONCLUDE YOUR DIRECT TESTIMONY?**

19 A. Yes it does.





KANSAS ADVANCE LEGISLATIVE SERVICE



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KANSAS 83RD LEGISLATURE -- 2009 REGULAR SESSION

SENATE BILL No. 98

2009 Kan. SB 98

BILL TRACKING SUMMARY FOR THIS DOCUMENT

**SYNOPSIS:** AN ACT concerning property taxation; relating to statewide levy for public schools, exemption therefrom; fair market value for certain rental property; public utilities, natural gas inventories; amending K.S.A. 2008 Supp. 72-6431, 79-201x, 79-503a and 79-5a01 and repealing the existing sections.

**NOTICE:** [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]  
[D> Text within these symbols is deleted <D]

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To view the next section, type .np\* TRANSMIT.  
To view a specific section, transmit p\* and the section number. e.g. p\*1  
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Be it enacted by the Legislature of the State of Kansas:

[\*1] Section 1. K.S.A. 2008 Supp. 72-6431 is hereby amended to read as follows: 72-6431. (a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:

- (1) Financing that portion of the district's general fund budget which is not financed from any other source provided by law;
  - (2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and
  - (3) with respect to any redevelopment district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.
- (b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school year [D> 2007-2008 <D] [A> 2009-2010 <A] and school year [D> 2008-2009 <D] [A> 2010-2011 <A] .
- (c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the general fund of the district.

(d) On June 6 of each year, the amount, if any, by which a district's local effort exceeds the amount of the district's state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such

remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

[\*2] Sec. 2. K.S.A. 2008 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years [D] 2007 and 2008 <D] [A] 2009 AND 2010 <A], the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto: Property used for residential purposes to the extent of \$ 20,000 of its appraised valuation.

[\*3] Sec. 3. K.S.A. 2008 Supp. 79-503a is hereby amended to read as follows: 79-503a. "Fair market value" means the amount in terms of money that a well informed buyer is justified in paying and a well informed seller is justified in accepting for property in an open and competitive market, assuming that the parties are acting without undue compulsion. In the determination of fair market value of any real property which is subject to any special assessment, such value shall not be determined by adding the present value of the special assessment to the sales price. For the purposes of this definition it will be assumed that consummation of a sale occurs as of January 1. Sales in and of themselves shall not be the sole criteria of fair market value but shall be used in connection with cost, income and other factors including but not by way of exclusion:

- (a) The proper classification of lands and improvements;
- (b) the size thereof;
- (c) the effect of location on value;
- (d) depreciation, including physical deterioration or functional, economic or social obsolescence;
- (e) cost of reproduction of improvements;
- (f) productivity [A] TAKING INTO ACCOUNT ALL RESTRICTIONS IMPOSED BY THE STATE OR FEDERAL GOVERNMENT AND LOCAL GOVERNING BODIES, INCLUDING, BUT NOT LIMITED TO, RESTRICTIONS ON PROPERTY RENTED OR LEASED TO LOW INCOME INDIVIDUALS AND FAMILIES AS AUTHORIZED BY SECTION 42 OF THE FEDERAL INTERNAL REVENUE CODE OF 1986, AS AMENDED <A] ;
- (g) earning capacity as indicated by lease price, by capitalization of net income or by absorption or sell-out period;
- (h) rental or reasonable rental values [A] OR RENTAL VALUES RESTRICTED BY THE STATE OR FEDERAL GOVERNMENT OR LOCAL GOVERNING BODIES, INCLUDING, BUT NOT LIMITED TO, RESTRICTIONS ON PROPERTY RENTED OR LEASED TO LOW INCOME INDIVIDUALS AND FAMILIES, AS AUTHORIZED BY SECTION 42 OF THE FEDERAL INTERNAL REVENUE CODE OF 1986, AS AMENDED <A] ;
- (i) sale value on open market with due allowance to abnormal inflationary factors influencing such values;
- (j) restrictions [A] OR REQUIREMENTS <A] imposed upon the use of real estate by [A] THE STATE OR FEDERAL GOVERNMENT OR <A] local governing bodies, including zoning and planning boards or commissions [A] , AND INCLUDING, BUT NOT LIMITED TO, RESTRICTIONS OR REQUIREMENTS IMPOSED UPON THE USE OF REAL ESTATE RENTED OR LEASED TO LOW INCOME INDIVIDUALS AND FAMILIES, AS AUTHORIZED BY SECTION 42 OF THE FEDERAL INTERNAL REVENUE CODE OF 1986, AS AMENDED <A] ; and
- (k) comparison with values of other property of known or recognized value. The assessment-sales ratio study shall not be used as an appraisal for appraisal purposes.

The appraisal process utilized in the valuation of all real and tangible personal property for ad valorem tax purposes shall conform to generally accepted appraisal procedures which are adaptable to mass appraisal and consistent with the definition of fair market value unless otherwise specified by law.

[\*4] New Sec. 4. It is the purpose of the amendments enacted in this legislation to K.S.A. 79-5a01 to carry out the mandate of the electorate of the state of Kansas who in 1992 amended Section 1 of Article 11 of the Constitution of the state of Kansas to effectuate the taxation of public utility inventories, in response to an appellate decision holding that natural gas owned by public utilities and stored for resale comes within the exemption from ad valorem taxation afforded to merchants' and manufacturers' inventories. The Legislature recognizes that the state has a number of underground formations that are ideal for the storage of natural gas and that the storage of natural gas in these formations by and on behalf of the owners, brokers and marketers of natural gas assures them a plentiful supply of natural gas during

periods of peak demand and thereby contributes to their economic viability. The Legislature further recognizes that the state and its political subdivisions provide valuable governmental services that protects the natural gas and its free flow to and from these formations for which such owners, brokers and marketers of natural gas should contribute through the property tax imposed by the amendments enacted in this legislation to K.S.A. 79-5a01.

[\*5] Sec. 5. K.S.A. 2008 Supp. 79-5a01 is hereby amended to read as follows: 79-5a01. (a) As used in this act, the terms "public utility" or "public utilities" means every individual, company, corporation, association of persons, brokers, [A] MARKETERS, [A] lessees or receivers that now or hereafter own, [D] control and hold for resale stored [D] [A] BROKER OR MARKET [A] natural gas [A] INVENTORIES STORED FOR RESALE [A] in an underground formation in this state, or now or hereafter are in control, manage or operate a business of:

(1) A railroad or railroad corporation if such railroad or railroad corporation owns or holds, by deed or other instrument, an interest in right-of-way, track, franchise, roadbed or trackage in this state;

(2) transmitting to, from, through or in this state telegraphic messages;

(3) transmitting to, from, through or in this state telephonic messages;

(4) transporting or distributing to, from, through or in this state natural gas, oil or other commodities in pipes or pipelines, or engaging primarily in the business of storing natural gas in an underground formation;

(5) generating, conducting or distributing to, from, through or in this state electric power;

(6) transmitting to, from, through or in this state water if for profit or subject to regulation of the state corporation commission; and

(7) transporting to, from, through or in this state cargo or passengers by means of any vessel or boat used in navigating any of the navigable water-courses within or bordering upon this state.

(b) The terms "public utility" or "public utilities" shall not include: (1) Rural water districts established under the laws of the state of Kansas; or (2) any individual, company, corporation, association of persons, lessee or receiver owning or operating an oil or natural gas production gathering line which is situated within one county in this state and does not cross any state boundary line; (3) any individual, company, corporation, association of persons, lessee or receiver owning any vessel or boat operated upon the surface of any manmade waterway located entirely within one county in the state; or (4) for all taxable years commencing after December 31, 1998, any natural gas distribution system which is owned and operated by a nonprofit public utility described by K.S.A. 66-104c, and amendments thereto, and which is operated predominantly for the purpose of providing fuel for the irrigation of land devoted to agricultural use. (c) The provisions of subsection (a) as amended by this act shall be applicable to all taxable years commencing after December 31, [D] 2003 [D] [A] 2008 [A].

[\*6] Sec. 6. K.S.A. 2008 Supp. 72-6431, 79-201x, 79-503a and 79-5a01 are hereby repealed.

[\*7] Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

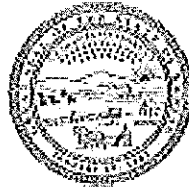
**HISTORY:**

Approved: April 17, 2009

**SPONSOR:** Senate Committee on Assessment and Taxation

**Missouri Gas Energy  
Computation of Estimated Property Tax  
On Gas Stored in Kansas at 1/1/09**

	<u>Panhandle</u>	<u>Southern Star</u>	<u>Total</u>
Gas Volume/mmbtu	852,573	7,479,982	
Gas Price	\$ 3.87	\$ 3.89	
Total Value	\$ 3,295,195.00	\$ 29,097,134	\$ 32,392,329
Assessment Ratio	<u>33%</u>	<u>33%</u>	
Assessed Value	\$ 1,087,414	\$ 9,602,054	\$ 10,689,469
Tax Rate - Estimated	\$ 0.0979	\$ 0.1290	
Estimated Property Tax	<u>\$ 106,458</u>	<u>\$ 1,238,665</u>	<u>\$ 1,345,123</u>



# K A N S A S

JOAN WAGNON, SECRETARY

MARK PARKINSON, GOVERNOR

## DEPARTMENT OF REVENUE DIVISION OF PROPERTY VALUATION

SG-MISSOURI GAS ENERGY  
JOHN DAVIS

August 21, 2009

3420 BROADWAY  
KANSAS CITY, MO 64144

PVD ID No.	G4201
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**DIRECTOR'S 2009 UNIT VALUE:****32,392,329****APPLICATION TO KANSAS:****ALLOCATION CALCULATION:**

Kansas Investment/System Investment

32,392,329

32,392,329

Allocation Factor:

1.000000

Director's Unit Value

32,392,329

Kansas Allocation Factor

x 1.000000

Kansas Market Value

32,392,329

Assessment Rate @ 33%

x 0.330000

**KANSAS ASSESSED VALUE****10,689,469****COMPANY INDICATORS****COST APPROACH:**

Book Original Cost

0

Book Original Cost Less Depreciation

0

Net Investment Adjusted for Obsolescence

0

Reproduction Cost Less Depreciation

32,392,329

**MARKET APPROACH:**

Equity Residual

0

Stock and Debt

0

**INCOME APPROACH:**

Forecast NOI

0

Rate

.0000

0

Actual NOI

0

Rate

.0000

0

An informal conference may be requested if there are any objections to the "Director's Unit Value" as stated on this "Notice" (K.S.A. 79-5a05). All conference request must: (1) be within 15 days of this Notice, (2) be in writing, (3) be made to the Director, (4) state the objection/s. Any document or written evidence to be presented at the conference must be submitted to this office no less than two (2) days prior to the conference.

This "Notice" constitutes the Director's final action to date.

Director