

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of Kansas Gas)
and Electric Company for Approval of the)
Amendment to the Energy Supply Agreement) Docket No. 18-KG&E-303-CON
to the Energy Supply Agreement between)
Kansas Gas and Electric Company and)
Occidental Chemical Corporation.)

**ORDER GRANTING STAFF’S MOTION TO ALLOW DR. GLASS AS AN
ADDITIONAL WITNESS**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On January 16, 2018, Kansas Gas and Electric Company, d/b/a Westar energy (Westar) and Occidental Chemical Corporation (Occidental) filed a Joint Application with the Commission for approval of an Energy Supply Agreement (ESA) between Westar and Occidental.¹ The ESA is an extension and contact information update to the already approved ESA ending effectively May 31, 2018, and no other terms concerning the rates are altered therein.² The Joint Applicants requested expedited approval to avoid a lapse of the current ESA before implementation of the requested amended ESA.³

2. On May 17, 2018, the Commission adopted a procedural schedule requiring Staff and Interveners to file their pre-filed testimony by August 15, 2018.⁴

¹ Joint Application, Jan. 16, 2018, ¶ 3.

² *Id.*

³ *Id.*

⁴ Staff’s Motion to Allow Additional Witness, Sept. 14, 2018, ¶ 1.

3. On August 15, 2018, Staff filed the pre-filed Direct Testimony of Darren L. Prince.⁵ In his testimony, Mr. Prince: (1) analyzed the Joint Application, (2) recommended approval of the requested special contract requested and continuing the Energy Efficiency Demand Response (EEDR) program; and (3) conducted an Evaluation, Measurement, and Verification (EM&V) test authorized by the Commission for use in evaluating energy efficiency programs.⁶ Prince's testimony cites to both the Commission's Order in Docket No. 16-KCPE-446-TAR (16-446 Docket) and Dr. Robert Glass's testimony in the 16-446 Docket.⁷

4. On September 14, 2018, Staff filed a Motion to Allow Additional Witness, requesting permission for Dr. Glass to testify, even though he did not file testimony in this Docket. Staff expressed a willingness to make Dr. Glass available for questioning from any party or the Commission, in the event questions surrounding the issue go beyond the scope of Mr. Prince's testimony and/or personal knowledge to aid in the development of the record.⁸

5. On September 21, 2018, the Citizens' Utility Ratepayer Board (CURB) filed a Response to Staff's Motion to Allow Additional Witness.⁹ CURB does not object to the Staff's request, provided any party has the ability to call Dr. Glass to testify beyond the scope of Mr. Prince's testimony and/or personal knowledge.¹⁰

6. K.A.R. 82-1-230(f), authorizes the Commission to request additional evidence be presented at an evidentiary hearing. The Commission grants Staff's Motion to allow Dr. Glass to testify because his testimony would aid in the development of the record. The Commission finds allowing Dr. Glass to testify is in the interest of justice and will not prejudice any of the parties.

⁵ Pre-Filed Direct Testimony of Darren L. Prince, Aug. 15, 2018, pp. 19-20.

⁶ Staff's Motion to Allow Additional Witness, Sept. 14, 2018, ¶¶ 2-3.

⁷ *Id.*, ¶ 4.

⁸ *Id.*, ¶ 6.

⁹ CURB's Response to Staff's Motion to Allow Additional Witness, Sept. 21, 2018.

¹⁰ *Id.*, ¶ 6.

THEREFORE, THE COMMISSION ORDERS:

- A. Staff's Motion to Allow Additional Witness, Dr. Glass is granted.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹¹
- C. The Commission retains jurisdiction over the subject matter and the parties to enter further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/02/2018



Lynn M. Retz
Secretary to the Commission

BGF/sb

¹¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

18-KG&E-303-CON

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 10/02/2018.

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/S/ DeeAnn Shupe
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