

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Kansas)
Gas and Electric Company for Approval of)
the Amendment to the Energy Supply) Docket 18-KG&E-303-CON
Agreement Between Kansas Gas and)
Electric Company and Occidental Chemical)
Corporation.)

MEMORANDUM IN SUPPORT OF STATE CORPORATION COMMISSION
STAFF'S MOTION TO COMPEL RESPONSE
TO STAFF'S DATA REQUEST NO. 10

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and files this memorandum in support of the Motion to Compel Response to Staff's Data Request No. 10 that the State Corporation Commission Staff ("Staff") filed with the Commission on April 13, 2018. In support thereof, CURB states and alleges 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 requesting approval of an Energy Supply Agreement ("ESA" or "Agreement") between Kansas Gas and Electric Company and Occidental Chemical Corporation.¹
2. On March 22, 2018, CURB filed a Petition to Intervene and Motion for Protective Order and Discovery Order and Motion for Procedural Schedule.²
3. On April 17, 2018, the Commission issued an Order Designating Prehearing Officer; Granting Intervention to The Citizens' Utility Ratepayer Board; and Protective and Discovery Order ("Order"), in which the Commission found and concluded that CURB has met

¹ Docket No. 18-KG&E-303-CON, Joint Application (January 16, 2018).

² Docket No. 18-KG&E-303-CON, Petition to Intervene and Motion for Protective Order and Discovery Order and Motion for Procedural Schedule (March 22, 2018).

the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this Docket.”³

4. Staff submitted DR 10, seeking "all 2017 invoices for electric service provided to these [Occidental] facilities and the Tariffs for each facility (excluding the Wichita plant)."⁴

Occidental objected to DR 10, indicating that the data sought was "highly confidential commercially sensitive information" and "not clearly relevant" to this proceeding.⁵

5. On April 13, 2018, Staff filed a Motion to Compel Response to Staff’s Data Request No. 10. (“Staff’s Motion”)⁶ Occidental filed its Response to Motion to Compel on April 18, 2018.⁷

6. Having read all material pleadings of Staff and Occidental and analyzing the issue, CURB believes that Staff’s Motion concisely states the issues and Kansas law with respect to DR 10; CURB sees no need to restate the arguments in Staff’s motion and adopts the same herein. Therefore, CURB supports Staff’s Motion and likewise urges the Commission to compel Occidental’s response to Staff’s DR 10.

³ Docket No. 18-KG&E-303-CON, Order Designating Prehearing Officer; Granting Intervention To The Citizens’ Utility Ratepayer Board; And Protective And Discovery Order (April 17, 2018).

⁴ Docket No. 18-KG&E-303-CON, Motion to Compel Response to Staff’s Data Request No. 10 (April 13, 2018).

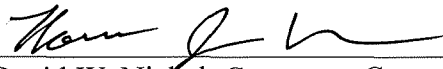
⁵ *Id.*

⁶ *Id.*

⁷ Docket No. 18-KG&E-303-CON, Response to Motion to Compel (April 18, 2018).

Wherefore, upon the bases set out above, CURB requests that the Commission issue an order compelling Occidental's response to Staff's DR 10, and for such further relief as the Commission deems just and appropriate.

Respectfully submitted,



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CERTIFICATE OF SERVICE

18-KG&E-303-CON

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 19th day of April, 2018, to the following:

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