

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

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the Matter of Westar Energy, Inc. and)
Kansas Gas and Electric Company Seeking)
Commission Approval to Implement Changes) Docket No. 16-WSEE-375-TAR
in their Transmission Delivery Charges Rate)
Schedules.)

**ORDER GRANTING INTERVENTION OF
OCCIDENTAL CHEMICAL CORPORATION**

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

1. On February 15, 2016, Westar Energy, Inc. and Kansas Gas and Electric Company, (collectively "Westar") filed an Application to make changes to its Transmission Delivery Charge (TDC) tariff. ¹

2. On February 24, 2016, Occidental Chemical Corporation (OxyChem) filed a Petition to Intervene. ² No party has objected to this petition.

3. OxyChem states its Wichita facilities are Westar's largest retail customer.³ Therefore, OxyChem argues it has a substantial, direct financial interest in the alleged increased costs and increased rates proposed by Westar that will be addressed by the Commission in this proceeding.⁴

¹ Tariff for Westar Energy and Kansas Gas and Electric for 2016 Transmission Delivery Charge (Feb. 15, 2016).

² Occidental Chemical Corporation Petition to Intervene (Feb. 24, 2016).

³ See *id.* at p. 1.

⁴ *Id.* at pp. 1-2

4. OxyChem is served under a specific Energy Supply Agreement (ESA) with Westar that was approved by the Commission in Docket No. 13-KG&E-451-CON. According to the terms of the ESA, OxyChem is subject to other Westar tariffs, and can be impacted by changes to large customer rates.⁵

5. The Commission has broad discretion to grant a party intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding.⁶ Additionally, at any time during a proceeding the Commission may impose limitations on an intervenor's participation.⁷

6. The Commission finds and concludes that OxyChem has demonstrated appropriate grounds for intervention. The Commission finds and concludes that OxyChem has met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521, and should be granted intervention in this proceeding.

7. OxyChem will be added to the mailing list. Service of pleadings, communications and correspondence should be directed to the following individuals:

James P. Zakoura, KS #7644
Smithyman & Zakoura, Chartered
750 Commerce Plaza II
7400 West 110th Street
Overland Park, KS 66201
913-661-9800, Ext. 119
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⁵ See *id.* at p. 2.

⁶ K.S.A. 77-521(a); K.A.R. 82-1-225.

⁷ K.S.A. 77-521(c).

Brenda Harris
Director Power
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5 Greenway Plaza, Suite 110
Houston, TX 77046-0521
713-215-7656
Brenda.Harris@oxy.com

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) OxyChem is granted intervention in the above-captioned proceeding. Persons listed in ¶ 7 shall receive service of all pleadings in this matter.

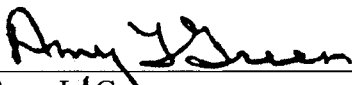
(B) The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein.⁸

(C) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: MAR 10 2016



Amy L. Green
Secretary to the Commission

REV/vj

Order Mailed Date

MAR 11 2016

⁸ K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529(a)(1).

CERTIFICATE OF SERVICE

16-WSEE-375-TAR

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on MAR 10 2016.

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/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

MAR 11 2016