BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Jay Scott Emler, Chairman		
	Shari Feist Albrecht		

Pat Apple

In the Matter of the Application of Westar)	
Energy, Inc. and Kansas Gas and Electric)	Docket No. 17-WSEE-147-RTS
Company for Approval to Make Certain Changes)	
in Their Charges for Electric Service.)	

ORDER GRANTING PETITION TO INTERVENE OF THE CITIZENS' UTILITY RATEPAYER BOARD

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

I. Background

1. On October 26, 2016, Westar Energy, Inc. and Kansas Gas and Electric Company (collectively, Westar), filed a Joint Application pursuant to K.S.A. 66-117 and K.A.R. 82-1-231(b)(3)(A) to make an "abbreviated filing" when filing within 12 months of the Commission's order in a prior rate case. The Joint Application was filed to update rates to include capital costs incurred by Westar related to environmental projects at La Cygne approved by the Commission in Docket No. 11-KCPE-581-PRE; update rates to reflect the capital costs related to the projects at Wolf Creek described in the Direct Testimony of John Bridson filed in Docket 15-WSEE-115-RTS (115 Docket); update rates to reflect costs associated with the investment in grid resiliency projects as discussed in the Stipulation and Agreement accepted by the Commission in the 115 Docket; and update rates to incorporate the final roll-in of environmental costs incurred in 2015

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¹ 17-WSEE-147-RTS, Joint Application, Oct. 26 2016.

previously noticed by Westar to the Commission and which would have been recovered through the Environmental Cost Recovery Rider (ECRR).²

- 2. On October 27, 2016, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene and Motion for Protective Order and Discovery Order.³
- 3. On November 3, 2016, a Suspension Order was filed deferring the effective date of the rates and/or terms proposed until June 23, 2017.⁴
- 4. On November 10, 2016, Unified School District #259 Sedgwick County, Kansas (USD #259) filed a Petition to Intervene.⁵
- 5. In support of its Petition to Intervene, CURB stated it has specific statutory authority to "represent residential and small commercial ratepayers before the state corporation commission" and functions as the official intervenor in cases filed with the Commission. CURB further stated it has a vital interest in the outcome of this proceeding as the rates paid and the services received by residential and small commercial ratepayers may be substantially affected by any Commission order or activity in this proceeding.
- 6. CURB stated there are no other parties to this proceeding which will adequately represent the interests of CURB.
 - 7. There have been no objections to CURB's Petition to Intervene.

 $^{^{2}}$ Id., ¶ 2.

³ 17-WSEE-147-RTS, CURB'S Petition to Intervene and Motion for Protective Order and Discovery Order, Oct. 27, 2016.

⁴ 17-WSEE-147-RTS, Suspension Order, Nov. 3, 2016.

⁵ 17-WSEE-147-RTS, Unified School District #249 Sedgwick County, KS Petition to Intervene, Nov. 10, 2016.

⁶ K.S.A. 66-1223(a)

⁷ 17-WSEE-147-RTS, CURB's Petition to Intervene and Motion for Protective Order and Discovery Order, Oct. 27, 2016, ¶ 5.

II. Legal Standard

8. The Commission must grant intervention if a petition is submitted in writing to all named parties at least three days before the hearing; the petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding; and the presiding officer determines that the interest of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention. Additionally, the Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, and if the intervention will not impair the orderly and prompt conduct of the proceedings. Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.

III. Findings and Conclusions

- 9. The Commission finds that CURB has adequately demonstrated that their intervention is in the interest of justice. The Commission finds that CURB's participation will not impair the orderly and prompt conduct of the proceeding. Therefore, the Commission at this time will grant intervention to CURB in the interest of justice as the Commission desires to create a complete and thorough evidentiary record from which to make a decision.
- 10. The Commission concludes that CURB has met the requirements of K.S.A. 77-521 and should be granted intervention in this docket as provided herein. CURB will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered as follows:

⁸ K.S.A. 77-521(a)(1).

⁹ K.S.A. 77-521(a)(2).

¹⁰ K.S.A. 77-521(a)(3).

¹¹ K.S.A. 77-521(b).

¹² K.S.A. 77-521(c).

David W. Nickel Citizens' Utility Ratepayer Board 1500 SW Arrowhead Rd. Topeka, KS 66604 785-271-3200 d.nickel@curb.kansas.gov

Shonda Smith Citizens' Utility Ratepayer Board 1500 SW Arrowhead Rd. Topeka, KS 66604 sd.smith@curb.kansas.gov Thomas J. Connors Citizens' Utility Ratepayer Board 1500 SW Arrowhead Rd. Topeka, KS 66604 785-271-3200 tj.connors@curb.kansas.gov

Della Smith
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Rd.
Topeka, KS 66604
d.smith@curb.kansas.gov

THEREFORE, THE COMMISSION ORDERS:

- A. CURB's Petition to Intervene is granted.
- B. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.¹³
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler,	Chairn	nan; A	Albrecht,	Commissioner;	Apple,	Commissioner
Dated:	NOV	2 2	2016			

Amy L. Green

Secretary to the Commission

SF/sc

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¹³ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

17-WSEE-147-RTS

I, the undersigned,	certify that the true	copy of the attache	ed Order has been s	served to the following	parties by means of
Electronic Comice	NOV 2 2	2016			
Electronic Service	on '				

THOMAS J. CONNORS, ATTORNEY AT LAW CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3116 tj.connors@curb.kansas.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.smith@curb.kansas.gov

SAMUEL FEATHER, DEPUTY GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax: 785-271-3167 s.feather@kcc.ks.gov

AMBER SMITH, CHIEF LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax: 785-271-3167 a.smith@kcc.ks.gov

TIMOTHY E. MCKEE, ATTORNEY TRIPLETT, WOOLF & GARRETSON, LLC 2959 N ROCK RD STE 300 WICHITA, KS 67226 Fax: 316-630-8101 temckee@twgfirm.com DAVID W. NICKEL, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3116 d.nickel@curb.kansas.gov

SHONDA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
sd.smith@curb.kansas.gov

MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax: 785-271-3167 m.neeley@kcc.ks.gov

AMY FELLOWS CLINE, ATTORNEY TRIPLETT, WOOLF & GARRETSON, LLC 2959 N ROCK RD STE 300 WICHITA, KS 67226 Fax: 316-630-8101 amycline@twgfirm.com

THOMAS R. POWELL, GENERAL COUNSEL UNIFIED SCHOOL DISTRICT 259 201N WATER ST RM 405 WICHITA, KS 67202-1292 tpowell@usd259.net

CERTIFICATE OF SERVICE

17-WSEE-147-RTS

CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889 Fax: 785-575-8136 cathy.dinges@westarenergy.com JEFFREY L. MARTIN, VICE PRESIDENT, REGULATORY AFFAIRS WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889 jeff.martin@westarenergy.com

/S/ DeeAnn Shupe

DeeAnn Shupe

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