

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

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

In the Matter of the Application of Westar)
Energy, Inc. and Kansas Gas and Electric)
Company for Approval of a Revision to Their) Docket No. 15-WSEE-182-MIS
Project Deserve Program)

SUSPENSION ORDER

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 27, 2014, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) filed an Application with the Kansas Corporation Commission requesting the Commission approve its proposed revisions to the Project Deserve program.¹

2. On October 28, 2014, the Citizens' Utility Ratepayer Board (CURB) filed its Petition to Intervene, citing its statutory authority to represent residential and small commercial ratepayers.² CURB explains that the rates paid and services received by residential and small commercial ratepayers under Westar's proposed revisions to the Project Deserve program may be substantially affected by any Commission Order or activity in this proceeding.³

3. On November 13, 2014, the Commission granted CURB's Petition to Intervene.⁴

¹ Application for Westar Energy, Inc. and Kansas Gas and Electric Company, p. 4 (Oct. 27, 2014).

² Petition to Intervene, ¶¶ 3-4 (Oct. 28, 2014).

³ *Id.* at ¶ 5.

⁴ Order Granting CURB's Petition to Intervene, p. 2-3 (Nov. 13, 2014).

II. FINDINGS AND CONCLUSIONS

4. Pursuant to K.S.A. 66-117, a public utility over which the Commission has jurisdiction cannot make effective any changed rate, joint rate, toll, charge or classification or schedule of charges, or any rule or regulation or practice pertaining to the service of a public utility except by filing with the Commission.⁵ The Commission may suspend the effective date while it conducts its investigation of the utility's proposal.⁶

5. While not explicitly identified in the Application as a change in practice pertaining to the service of a public utility, out of an abundance of caution the Commission wishes to preserve its right to thoroughly review this Application as prescribed by K.S.A. 66-117.

6. The Commission has determined that Commission Staff (Staff) will need additional time to fully investigate the Application, and suspension is required to allow sufficient time for Staff's review and investigation of this matter. Although the Commission reserves the full 240 days, Staff recognizes the need for efficient use of Commission resources and time and will thus strive to complete its Report and Recommendation as soon as practical.

7. A full investigation of the Application, which may result in a hearing, is deemed necessary and proper. The Commission finds and concludes that suspension of the Application and deferral of its effective date is required to allow sufficient time for full investigation of this matter. The Application should be suspended for a period of 240 days from the date it was filed, October 27, 2014, until June 24, 2015, pursuant to K.S.A. 66-117(c).

⁵ See K.S.A. 66-117(a).

⁶ See K.S.A. 66-117(c).

THEREFORE, THE COMMISSION ORDERS:

A. The Application is suspended for a period of 240 days from the date it was filed until June 24, 2015.


B. The parties have 15 days, plus three days if service of this Order is by mail, to petition the Commission for reconsideration.⁷

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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: NOV 20 2014


ORDER MAILED NOV 21 2014
Thomas A. Day.
Acting Executive Director

REV/tc

⁷ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

| NAME AND ADDRESS | NO. CERT. COPIES | NO. PLAIN COPIES |
|---|------------------------|------------------------|
| NIKI CHRISTOPHER, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered*** | | |
| DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered*** | | |
| SHONDA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered*** | | |
| DAVID SPRINGE, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered*** | | |
| ROBERT VINCENT, LITIGATION ATTORNEY KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered*** | | |
| CATHRYN J. DINGES, CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889 | | |

ORDER MAILED **NOV 21 2014**

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.