

Michael Neeley, KS Bar #25027
Senior Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Rd.
Topeka, KS 66604
Ph: 785-271-3173
Fax: 785-271-3167
m.neeley@kcc.ks.gov

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Dwight D. Keen
Commissioner Susan K. Duffy
Commissioner Andrew J. French

FROM: Leo Haynos, Chief Engineer
Jeff McClanahan, Director of Utilities

DATE: March 1, 2022

SUBJECT: 19-WSEE-441-GIE: In the Matter of the General Investigation into the Operations of Westar Energy, Inc. Regarding an Accident that Occurred Due to a Steam Release at the Jeffrey Energy Center on June 3, 2018, In St. Mary's Kansas.
Recommendation to Close Investigation.

Executive Summary:

On April 19, 2019, the Commission opened the subject Docket in order for Staff to conduct an investigation into the above captioned accident. In July of 2020, Staff completed the bulk of its investigation and prepared a report detailing our opinion as to the potential root cause of the accident and recommending several actions to be taken by Jeffrey Energy Center (JEC) to minimize the possibility of recurrence of a similar accident (July 2020 Report).¹ The July 2020 Report is attached hereto as Confidential **Exhibit A**. Throughout the pendency of Staff's investigation, lawsuits were underway between a JEC contractor and the families of the accident victims, which subsequently concluded in June 2021.

Shortly after the completion of the July 2020 Report, Staff provided a preliminary copy to Evergy Kansas Central (EKC; F.K.A. Westar Energy) and requested JEC to complete the recommendations contained in the July Report. Specifically, Staff requested JEC:

- Develop procedures that recognize the heightened risk of working around safety relief valves (SRVs) placed in operation before the valve repair (VR) inspection is complete;
- Provide training to its personnel regarding the requirements of the National Boiler Inspection Code (NBIC); and
- Improve its review and documentation of services provided by contractors working on or inspecting SRVs.

¹ The underlying data upon which Staff relied in conducting its investigation and drafting its July 2020 Report and Recommendation is sensitive and confidential in nature. That data is inextricably woven throughout the report, resulting in a redacted version being incomprehensible. As such, Staff is attaching the July 2020 Report and Recommendation as confidential in its entirety.

By November of 2020, JEC provided Staff copies of the procedures and training modules that addressed Staff's recommendations.

In preparation for this final Report, Staff conducted additional discovery to determine whether JEC used the revised procedures during maintenance work in the winter of 2021. Upon review of the responses to that set of data requests, Staff determines that JEC has executed on its revised procedures and has completed the tasks outlined in the recommendations contained in Staff's July 2020 Report.

Recommendation:

At this time, Staff recommends the Commission close its investigation into this matter. In order to provide a complete record of the investigation for the Commission, Staff is attaching its Confidential July 16, 2020, Report and Recommendation as Exhibit A.

CONFIDENTIAL EXHIBIT A
STAFF'S JULY 16, 2020, REPORT AND
RECOMMENDATION

CERTIFICATE OF SERVICE

19-WSEE-441-GIE

I, the undersigned, certify that a true and correct copy of the above and foregoing report and recommendation was electronically delivered this 1st day of March, 2022, to the following:

* CATHRYN J. DINGES, SR DIRECTOR & REGULATORY
AFFAIRS COUNSEL
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
cathy.dinges@evergy.com

MICHAEL NEELEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
m.neeley@kcc.ks.gov

Abigail Emery

Abigail Emery

* Denotes those receiving the Confidential version