

2. On March 31, 2016, the Commission issued an Order Granting Application to Implement Changes in Transmission Delivery Charge Subject-To-Refund, authorizing Westar's proposed TDC rates to take effect April 1, 2016, on a subject-to-refund basis while Staff continues its investigation.²

3. On June 21, 2016, Westar submitted a revised TDC incorporating the terms of the FERC-approved Settlement Agreement from FERC Docket No. EL14-93, which resulted in a reduction in Westar's Annual Transmission Revenue Requirement (ATRR).³

4. On June 28, 2016, the Commission issued an Order Granting Joint Motion to Amend Transmission Deliver Charge Tariff Subject-to-Refund, allowing Westar to bill its customers the updated TDC rates effective July 1, 2016, on a subject-to-refund basis.⁴

5. On February 15, 2017, Westar filed its 2017 TDC update in Docket No. 17-WSEE-377-TAR. (17-377 Docket), requesting its proposed TDC take effect April 3, 2017.⁵

6. On January 4, 2018, the Commission issued Orders Granting Staff's Motion to Join and Consolidate Proceedings and Granting Interventions, finding good cause to consolidate the 16-375 and 17-377 Dockets.⁶

7. On February 15, 2018, Westar filed its 2018 TDC update in Docket No. 18-WSEE-355-TAR. (18-355 Docket), requesting its proposed TDC take effect April 3, 2018.⁷ On March 13, 2018, the Commission issued an Order Acknowledging Effective Date of Transmission

² Order Granting Application to Implement Changes in Transmission Delivery Charge Subject-To-Refund, 16-375 Docket, Mar. 31, 2016, ¶ 12.

³ Westar Energy Revised Transmission Delivery Charge Tariff, 16-375 Docket, Jun. 21, 2016.

⁴ Order Granting Joint Motion to Amend Transmission Deliver Charge Tariff Subject-to-Refund, 16-375 Docket, Jun. 28, 2016, ¶ 26.

⁵ Tariff for Westar Energy and Kansas Gas and Electric for 2017 Transmission Delivery Charge, (TDC Application), Docket No.17-WSEE-377-TAR (17-377 Docket), Feb. 15, 2017, p. 1.

⁶ Orders Granting Staff's Motion to Join and Consolidate Proceedings and Granting Interventions, Jan. 4, 2018, ¶ 20.

⁷ Tariff for Westar Energy and Kansas Gas and Electric for 2018 Transmission Delivery Charge, (TDC Application), Docket No.18-WSEE-355-TAR (18-355 Docket), Feb. 15, 2018, p. 1.

Delivery Charge Subject-To-Refund Pursuant to K.S.A. 66-1237, allowing Westar's updated TDC to go into effect, subject to refund on April 3, 2018.⁸

8. On April 5, 2018, the Commission issued an Order on Staff's Motion to Join and Consolidate Proceedings, finding good cause exists to consolidate the 16-375, the 17-377, and the 18-355 Dockets and directing the Parties to submit a briefing schedule by April 25, 2018.⁹

9. On April 25, 2018, Staff filed a Proposed Briefing Schedule, suggesting deadlines of June 1, 2018 for initial briefs and Jun 15, 2018 for reply briefs.¹⁰ Staff represents that the Citizens' Utility Ratepayer Board finds Staff's proposed schedule to be acceptable and that no Parties have filed an objection.¹¹ Staff was the only Party to submit a briefing schedule.

10. The Commission adopts Staff's proposed briefing schedule. Parties have until 5:00 p.m. on June 1, 2018 to file their initial legal briefs on the question of whether Staff's request to implement refunds and charges to Westar's retail customers to properly account for previously billed transmission charges would constitute unlawful, retroactive ratemaking is a threshold legal issue. Reply briefs are due by 5:00 p.m. on June 15, 2018.

THEREFORE, THE COMMISSION ORDERS:

A. Parties have until 5:00 p.m. on June 1, 2018 to file their initial legal briefs. Reply briefs are due by 5:00 p.m. on June 15, 2018. Parties' briefs should be limited to the threshold legal issue of whether implementing refunds and charges to Westar's retail customers to properly account for previously billed transmission charges would constitute unlawful, retroactive ratemaking.

⁸ Order Acknowledging Effective Date of Transmission Delivery Charge Subject-To-Refund Pursuant to K.S.A. 66-1237, 18-355 Docket, Mar. 13, 2018, ¶ 9.

⁹ Order on Staff's Motion to Join and Consolidate Proceedings, Apr. 5, 2018, ¶¶ 14-15.

¹⁰ Staff's Proposed Briefing Schedule, Apr. 25, 2018, ¶ 2.

¹¹ *Id.*, ¶ 3.

B. The parties have 15 days from the date of the electronic service of this Order to petition for reconsideration.¹²

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose for entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner.

Dated: 05/03/2018



Lynn M. Retz
Secretary to the Commission

BGF

¹² K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

18-WSEE-355-TAR

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 05/03/2018.

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