

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

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)

**NOTICE OF FILING OF STAFF'S
REPORT AND RECOMMENDATION**

The Staff of the Corporation Commission of the State of Kansas ("Staff" and "Commission", respectively), files its Report and Recommendation and states the following:

Staff hereby files the attached Report and Recommendation recommending the Commission approve Westar Energy, Inc.'s and Kansas Gas and Electric Company's (Westar's) proposed changes to the Administrator of its Project Deserve program.

Wherefore, Staff submits its Report and Recommendation for Commission review and consideration and for such other relief as the Commission deems just and proper.

Respectfully Submitted,



Robert Elliott Vincent, S. Ct. #26028
Litigation Counsel
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604
Phone: (785) 271-3273
Fax: (785) 271-3167
E-Mail: r.vincent@kcc.ks.gov

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Pat Apple

FROM: Pat Renner, Compliance Officer
Lana Ellis, Deputy Chief of Economic Policy and Planning
Robert Glass, Chief of Economic Policy and Planning
Jeff McClanahan, Director of Utilities

DATE: December 4, 2014

15-WSEE-182-MIS: In the Matter of the Application of Westar Energy, Inc.
and Kansas Gas and Electric Company for Approval of a Revision to their
Project Deserve Program

EXECUTIVE SUMMARY:

In this Docket, Westar Energy Inc. and Kansas Gas and Electric Company (Westar) have proposed to replace the current Administrator of its Project Deserve Program, the Kansas Chapter of the American Red Cross. Westar is requesting the flexibility to select a new organization to administer the Project Deserve program at any time without Commission approval. If approved, Westar will provide the Commission notice any time it chooses to change the organization that is administering the Project Deserve Program. Staff recommends approval.

BACKGROUND:

Westar is bringing this matter before the Commission because the Orders in Dockets 127,141-U¹ and 99-GIMG-068-GIG² directed refunds to the Project Deserve Program and stated that the Program would be administered by the local chapter of the American Red Cross. The American Red Cross has recently informed Westar that it will cease its role as Administrator of the Project Deserve Program in order to focus on its core values.

The purpose of the Project Deserve Program³ is to provide energy assistance to low-income and elderly customers in Westar's service territory in Kansas.

Westar has reviewed the background of the 501(c)(3) non-profit organization Center of Hope Inc. of Wichita, Kansas, (COH) and has signed an agreement that will allow COH

¹ See attached September 24, 1984, Order, Paragraphs 5 through 10.

² See attached January 29, 2004, Order, Paragraph 10.

³ See attached information about the Project Deserve Program.

to take over the duties of Administrator of Project Deserve after the Commission approves the Order in this Docket.

ANALYSIS:

Westar has stated that it will ensure that the selected organization to replace the Red Cross is a qualified 501(c)(3) non-profit corporation that has sufficient experience in administering programs similar to Westar's Project Deserve Program and signs an operating agreement that clearly states the purpose of the program and the restriction on the use of available funds. Westar has also stated that it will provide the Commission notice any time it chooses to change the organization that is administering the Project Deserve Program.

Westar is still required to meet the requirements stated in the Orders in Dockets 99-GIMG-068-GIG and 127,141-U. This proposed change only allows Westar to choose the 501(c)(3) non-profit organization without Commission approval.

Staff believes that given the remaining requirements in the Orders and the conditions listed above, including notice of a change in the Administrator of the Project Deserve Program, it is reasonable to allow Westar to choose the Administrator of Project Deserve without approval by the Commission.

Staff has reviewed Westar's information provided about COH and does not contest this choice of Administrator of the Project Deserve Project.

RECOMMENDATION:

Staff recommends that Westar be allowed to choose the 501(c)(3) non-profit Administrator of its Project Deserve Program without Commission approval.

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

BEFORE COMMISSIONERS: MICHAEL LENNEN (CHAIRMAN)
R. C. (PETE) LOUX
KEITH R. HENLEY

IN THE MATTER OF A GENERAL) DOCKET No.
INVESTIGATION OF THE ELECTRIC) 127,141-U
RESEARCH AND DEVELOPMENT SURCHARGE) (BREEDER REACTOR FUNDS)

O R D E R

NOW, THE ABOVE-CAPTIONED MATTER COMES ON FOR THE COMMISSION'S CONSIDERATION AND DETERMINATION UPON FILINGS OF THE KANSAS POWER & LIGHT COMPANY (KP&L), THE KANSAS GAS & ELECTRIC COMPANY (KG&E), AND EMPIRE DISTRICT ELECTRIC COMPANY (EMPIRE). THE FILINGS WERE MADE PURSUANT TO THE COMMISSION'S ORDER IN THIS DOCKET DATED MAY 11, 1984, WHICH REQUIRED THESE UTILITIES TO FILE A PLAN FOR DISTRIBUTING FUNDS ACCRUED THROUGH PARTICIPATION IN THE CLINCH RIVER BREEDER REACTOR PROJECT. THE COMMISSION, HAVING CONSIDERED THE FILINGS AND ITS RECORDS, AND BEING FULLY ADVISED IN THE PREMISES, FINDS AND CONCLUDES AS FOLLOWS:

KP&L PROPOSAL:

1. KP&L PROPOSES TO UTILIZE ACCRUED BREEDER REACTOR FUNDS FOR THE PURPOSE OF PROVIDING LOW-INTEREST LOANS TO QUALIFIED CUSTOMERS FOR THE PURPOSE OF INSTALLING ENERGY CONSERVATION MEASURES. LOANS WOULD BE MADE TO PERSONS QUALIFYING FOR GRANTS UNDER THE KANSAS CONSERVATION BANK PROGRAM. LOANS WOULD BE MADE IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE INSTALLED COST OF THE CONSERVATION MEASURES, LESS THE AMOUNT OF THE GRANT FROM THE KANSAS CONSERVATION BANK.

2. LOANS UNDER THIS PROGRAM WILL BE MADE IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

A. THE CUSTOMER MUST HAVE A CREDIT RATING SUFFICIENT TO QUALIFY FOR A LOAN UNDER KP&L'S ESTABLISHED "SAVE-THE-MEGAWATTS" PROGRAM;

B. THE INTEREST RATE FOR SUCH LOANS SHALL BE 8 PERCENT PER ANNUM;

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C. LOANS LESS THAN \$1,000.00 WILL BE UNSECURED, WITH A REPAYMENT PERIOD OF UP TO 24 MONTHS, AND LOANS IN THE AMOUNT OF \$1,000.00 TO \$5,000.00 WILL BE SECURED, WITH REPAYMENT PERIODS RANGING UP TO 60 MONTHS;

D. QUALIFYING ENERGY CONSERVATION MEASURES INCLUDE INSULATION, STORM WINDOWS AND DOORS, WEATHER STRIPPING, CAULKING MATERIALS, AND HIGH-EFFICIENCY HEATING AND COOLING EQUIPMENT IN CUSTOMER-OWNED HOMES.

3. KP&L HAS ACCRUED A TOTAL OF \$565,796, WHICH WILL BE DEDICATED TO THE PROGRAM. OF THIS AMOUNT, KP&L PROPOSES TO SET ASIDE \$70,000 TO FUND AN ADVERTISING AND EDUCATIONAL EFFORT, WITH ANNUAL CONTRIBUTIONS IN INCREMENTS OF \$40,000, \$20,000 AND \$10,000 IN THE FIRST THROUGH THIRD YEARS, RESPECTIVELY.

4. THE COMMISSION FINDS THAT THIS PROPOSAL IS CONSISTENT WITH THE CONCERNS EXPRESSED IN THE COMMISSION'S ORDER OF MAY 11, 1984. THE COMMISSION FURTHER FINDS THAT THIS PROPOSAL IS IN THE PUBLIC INTEREST AND SHOULD BE APPROVED BY THE COMMISSION.

KG&E PROPOSAL:

5. KG&E PROPOSES TO TRANSFER ACCRUED BREEDER REACTOR FUNDS TO A TRUST, THE INCOME FROM WHICH WILL BE DISTRIBUTED TO PROJECT DESERVE, A PROGRAM FOR PROVIDING LOW-INCOME ENERGY ASSISTANCE WHICH IS MANAGED BY THE MID WAY/KANSAS CHAPTER OF THE AMERICAN RED CROSS. KG&E WOULD TRANSFER \$494,026.00 UNDER THE PROPOSED TRUST AGREEMENT.

6. THE BOARD OF TRUSTEES WHO SHALL GOVERN AND MANAGE THE TRUST WILL BE COMPOSED OF: THE CHAIRMAN, BOARD OF DIRECTORS, MID WAY/KANSAS CHAPTER OF THE AMERICAN RED CROSS; CHAIRMAN, BOARD OF DIRECTORS, KANSAS GAS & ELECTRIC COMPANY; CHAIRMAN, MID WAY/KANSAS CHAPTER OF THE AMERICAN RED CROSS, PLANNED GIVING COMMITTEE; CHAIRMAN, PROJECT DESERVE, MONITORING COMMITTEE; AND A MEMBER OF THE PROJECT DESERVE MONITORING COMMITTEE REPRESENTING AN AREA OUTSIDE THE MID WAY/KANSAS CHAPTER OF THE AMERICAN RED CROSS. THE MEMBERS OF THE BOARD OF TRUSTEES MAY DESIGNATE REPRESENTATIVES IN ACCORDANCE WITH PROVISIONS SET OUT IN THE TRUST INSTRUMENT.

7. THE TRUSTEES HAVE THE FULL POWER AND RIGHT TO MANAGE, INVEST, AND ADMINISTER THE TRUST ESTATE, INCLUDING THE HIRING AT THEIR DISCRETION OF AN INVESTMENT MANAGER AND THE PAYMENT TO THAT MANAGER OF REASONABLE EXPENSES FOR ADMINISTERING THE ESTATE. AT LEAST ANNUALLY, THE TRUST WILL DISPOSE OF THE NET INCOME FROM THE TRUST ESTATE TO PROJECT DESERVE. HOWEVER, THE PRINCIPAL AMOUNT OF THE TRUST ESTATE SHALL REMAIN INTACT AND SHALL NOT BE SUBJECT TO DISTRIBUTION TO PROJECT DESERVE.

8. THE TRUSTEES SHALL RENDER AN ANNUAL STATEMENT OF ACCOUNT TO KG&E AND TO THE PROJECT DESERVE MONITORING COMMITTEE.

9. THE TRUST MAY BE DISSOLVED BY MUTUAL AGREEMENT BETWEEN KG&E AND THE MID WAY/KANSAS CHAPTER OF THE AMERICAN RED CROSS IN THE EVENT THAT PROJECT DESERVE IS NO LONGER A USEFUL OR FUNCTIONAL ENERGY EMERGENCY ASSISTANCE PROGRAM.

10. THE COMMISSION FINDS AND CONCLUDES THAT THE PROPOSAL OF KG&E TO ESTABLISH A TRUST TO THE BENEFIT OF PROJECT DESERVE MEETS THE CONCERNS EXPRESSED IN THE COMMISSION'S ORDER OF MAY 11, 1984. THEREFORE, THE PROPOSAL IS IN THE PUBLIC INTEREST AND SHOULD BE APPROVED BY THIS COMMISSION. THE COMMISSION FURTHER FINDS THAT THE ANNUAL ACCOUNTINGS PROVIDED TO KG&E SHOULD BE PROVIDED TO THIS COMMISSION WHEN SUCH REPORT IS RENDERED TO KG&E.

EMPIRE PROPOSAL:

11. EMPIRE PROPOSES TO ESTABLISH A TRUST FUND TO THE BENEFIT OF PROJECT HELP, A LOW-INCOME ENERGY ASSISTANCE PROGRAM OPERATED BY THE WESTERN JASPER COUNTY CHAPTER OF THE AMERICAN RED CROSS. EMPIRE HAS ACCRUED \$70,000.00 IN FUNDS UNDER THE BREEDER REACTOR PROGRAM, ALL OF WHICH WILL BE CONTRIBUTED TO THE TRUST.

12. THE TRUSTEE SHALL BE THE FIRST NATIONAL MERCANTILE BANK OF JOPLIN, MISSOURI. THE TRUSTEE SHALL HAVE THE FULL POWER AND AUTHORITY, IN ITS SOLE AND ABSOLUTE DISCRETION, TO INVEST, MANAGE, AND ADMINISTER THE TRUST ESTATE. THE TRUSTEE SHALL BE REASONABLY COMPENSATED FROM THE TRUST INCOME FOR ITS SERVICES.

13. THE TRUSTEE SHALL DISTRIBUTE AT LEAST ANNUALLY THE NET INCOME FROM THE TRUST. SUCH DISTRIBUTIONS SHALL BE MADE TO PROJECT HELP. THE TRUST PRINCIPAL SHALL REMAIN INTACT AND NOT SUBJECT TO DISTRIBUTION TO PROJECT HELP.

14. THE TRUST INSTRUMENT PROVIDES FOR AN ANNUAL ACCOUNTING FROM THE TRUSTEE TO EMPIRE.

15. EMPIRE AND THE WESTERN JASPER COUNTY CHAPTER OF THE AMERICAN RED CROSS MAY JOINTLY ELECT TO TERMINATE THE TRUST IN THE EVENT THAT PROJECT HELP IS DETERMINED TO BE NO LONGER USEFUL OR FUNCTIONAL AS LOW-INCOME ENERGY EMERGENCY ASSISTANCE PROGRAM.

16. THE COMMISSION FINDS AND CONCLUDES THAT THE PROPOSED TRUST MEETS THE CONCERNS EXPRESSED IN THE COMMISSION'S ORDER OF MAY 11, 1984. THEREFORE, THE PROPOSAL IS IN THE PUBLIC INTEREST AND SHOULD BE APPROVED BY THIS COMMISSION. THE COMMISSION FURTHER FINDS THAT THE ANNUAL ACCOUNTING TO BE PROVIDED TO EMPIRE SHALL BE PROVIDED TO THIS COMMISSION WHEN SUCH REPORT IS RENDERED TO EMPIRE.

WHEREFORE, IT IS BY THE COMMISSION ORDERED THAT:

THE PROPOSALS OF KANSAS POWER & LIGHT COMPANY, KANSAS GAS & ELECTRIC COMPANY, AND EMPIRE DISTRICT ELECTRIC COMPANY FOR DISPOSITION OF FUNDS ACCRUED UNDER THE CLINCH RIVER BREEDER REACTOR PROGRAM SHALL BE AND HEREBY ARE APPROVED.

KG&E AND EMPIRE ARE FURTHER ORDERED TO PROVIDE THIS COMMISSION WITH COPIES OF THE ANNUAL REPORTS PROVIDED TO THEM BY THEIR RESPECTIVE TRUST PROGRAMS.

THE COMMISSION RETAINS JURISDICTION OVER THE SUBJECT MATTER AND THE PARTIES FOR THE PURPOSE OF ENTERING SUCH ORDER OR ORDERS AS IT SHALL FROM TIME TO TIME DEEM APPROPRIATE.

LENNEN, CHNN.; LOUX, COM.; HENLEY, COM.

DATED: SEPTEMBER 24, 1984



JUDITH McCONNELL
EXECUTIVE SECRETARY

EP/JLH

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Brian J. Moline, Chair
John Wine
Robert E. Krehbiel

In the Matter of a General Investigation Upon)
the Motion of the Commission Staff to)
Establish General Policies with Regard to)
Distribution of Kansas Ad Valorem Tax) Docket No. 99-GIMG-068-GIG
Refunds from Interstate Pipeline Companies)
to Kansas Jurisdictional Direct Sales)
Customers.)

No. 34
**ORDER APPROVING DISTRIBUTION TO CERTAIN RETAIL CUSTOMERS OF
WILLIAMS GAS PIPELINES CENTRAL, INC.,
GRANTING INTERVENTION TO CERTAIN PARTIES,
AND ALLOWING SUBSTITUTION OF A PARTY**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission or KCC) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. BACKGROUND

1. In *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C.Cir. 1996), *cert. Denied* 520 U.S. 1224 (1997), the United States Court of Appeals for the District of Columbia Circuit upheld an order issued by the Federal Energy Regulatory Commission (FERC) that found the reimbursement of the Kansas *ad valorem* taxes, as part of the price paid in a regulated "first sale" of natural gas, did not qualify as a permissible allowance under Section 110 of the Natural Gas Policy Act of 1978 (NGPA) but required the refund period to run from October 4, 1983 to June 28, 1988. The consequence of this holding was that any amounts

received in a regulated first sale of natural gas as reimbursement of Kansas *ad valorem* taxes were subject to the ceiling prices prescribed by the NGPA and could not be retained by the regulated first seller (natural gas producers generally) to the extent the total compensation received exceeded an applicable maximum lawful price.

2. Generally, the FERC orders implementing *Public Service Company of Colorado v. FERC* and dealing with the passthrough of Kansas *ad valorem* tax refunds have not required any particular passthrough mechanism with respect to FERC non-jurisdictional customers.¹ Rather, FERC has recognized its own lack of authority to impose any refund requirements with respect to sales over which FERC lacks regulatory jurisdiction. It is clear that FERC's jurisdiction does not extend to direct retail sales of natural gas. 15 U.S.C. 717(b). The states are permitted to exercise regulatory jurisdiction over such sales. *Panhandle Eastern Pipeline Company v. Public Service Comm'n of Indiana*, 332 U.S. 507, 516 (1947). Indeed, the regulation of direct sales by interstate pipelines to retail customers are exclusively within the province of state regulation. *Id.* at 514 ("there can be no doubt ... that states are competent to regulate [direct] sales").

3. Under Kansas regulatory law, the Commission has been granted broad jurisdiction and authority to supervise and control natural gas public utilities doing business in Kansas. The Commission's jurisdiction and authority extends over any regulation, conduct, practice or act, relating to any service performed or to be performed, and if such regulation, conduct, practice or act is unjust, unreasonable, unreasonably inefficient or insufficient, unduly preferential, unjustly discriminatory, or otherwise in violation of the Kansas Public Utilities Act

¹ As used herein, the term "non-jurisdictional customers" refers to direct sales customers of interstate natural gas pipelines where the interstate pipeline's sales of natural gas to the customer during the relevant time period were not subject to regulation by FERC under the Natural Gas Act (NGA). Such sales are "jurisdictional" to the KCC, but are non-jurisdictional to FERC.

or of the orders of the Commission, the Commission shall have the power to substitute other regulations, rules, practices, act or service, and to make such order respecting any such changes in such regulations, conduct, practices, services or acts as are just and reasonable. K.S.A. 66-1,204. The Kansas statutes make clear that the provisions of the Kansas Public Utilities Act empowers the Commission to do all things necessary and convenient for the exercise of such power, authority and jurisdiction and that the Commission is granted all incidental powers necessary to carry into effect the provisions of this act are expressly granted and conferred upon the Commission. K.S.A. 66-1,201 and 66-1,207.

4. In fulfillment of its statutory duties and obligations, the Commission opened this docket to determine the Kansas customers' share of refunds received by interstate pipelines from producers. This multi-pipeline proceeding covers all interstate pipelines, including Williams Gas Pipelines Central, Inc. (Williams), which made sales of natural gas to customers located in Kansas during the Kansas *ad valorem* tax refund period (October 4, 1983 to June 28, 1988) that were not subject to FERC jurisdiction and regulation. With respect to Williams during the refund time period from October 3, 1983 through June 28, 1988, Williams provided natural gas sales service to approximately 400 Kansas customers. Because of these transactions, Williams operated as a natural gas public utility in the state of Kansas, as defined by K.A.A. 66-104 and K.S.A. 66-1,200. Accordingly, the Commission has jurisdiction to determine the appropriate passthrough by Williams of the Kansas customers' share of refunds received from producers (first sellers of natural gas) that were attributable to retail sales made in Kansas by Williams during the relevant time period. *See also Northern Natural Gas Company*, "Order on Petition for Declaratory Order," 101 FERC ¶ 61,382 (December 26, 2002) (FERC rejected Northern Natural Gas Company's request finding that nothing FERC had done prevented the Iowa Utilities Board

from exercising state authority over passthrough to non FERC-jurisdictional customers of the “Iowa share” of the non FERC-jurisdictional portion of the refund).

5. On March 29, 2001, the Commission entered an order concerning the Kansas direct sales customers’ share of non-jurisdictional refunds received by Williams. That order approved a “Stipulated Settlement Agreement” between and among Williams, the Commission staff (Staff), and nine intervening customers of Williams located in Kansas. In the settlement, Williams agreed to refund to its historical direct sales customers approximately \$9.5 million of Kansas *ad valorem* taxes received by Williams from producers. This amount represented the Kansas direct sale customers’ volumetric share of the FERC non-jurisdictional portion of Kansas *ad valorem* tax refunds received by Williams.

6. On November 18, 2003, the Kansas and Western Missouri Division of the Salvation Army (Salvation Army) filed for intervention in this proceeding. Conagra, Inc. (Conagra) petitioned for intervention on January 14, 2004. Both parties assert that they have interests affected by this docket that will otherwise not be fully represented.

7. On January 8, 2004, the Commission received a Motion to Substitute Warren H. and Henry G. Brensing, d/b/a Pleasant Valley Milling (Pleasant Valley), a Kansas Partnership, as Proper Party in Interest Under Petition to Intervene. Counsel for Pleasant Valley stated that, due to a change in partnership, the wrong party had been identified in the petition for intervention.

8. Staff has worked with numerous parties to settle the issues remaining with regard to the Williams funds. As a result, Staff entered into the following settlement agreements identifying the customers and their percentage share of the refund based upon their volumetric usage during the relevant time period:

A.	Westar Energy, Inc.	
	KGE	4.5421%
	KPL	6.8263%
	Westar Energy Total	11.3684%
B.	Acme Brick Company	0.7349%
C.	Glacier Petroleum, Inc.	0.0670%
D.	Old Santa Fe Feeders, Inc.	0.0601%
E.	The Seneca Construction Company, Inc.	0.0684%
F.	National Cooperative Refinery Association	0.0751%
G.	Lario Oil & Gas Company	0.0775%
H.	Fell Oil and Gas, L.L.P.	0.0605%
I.	Mull Farms and Feeding, Inc.	0.0335%

9. Staff verified that the customers identified in the agreements had formerly received sales and transportation service from Williams during the relevant time period and that the volumes attributed to their purchases from Williams are reasonably accurate. The agreements are nearly identical and provide for Williams to refund to each customer a share of the total amount recovered on a volumetric basis. The agreements do not provide or create any right to share in other customers' volumetric share, which may ultimately remain unclaimed.

10. The Stipulation and Agreement with Westar Energy, Inc. (Westar) differs slightly from the others. Westar agrees to establish a low income energy assistance program by depositing its share of funds into its Project Deserve trust instead of passing the refund through to Westar's current ratepayers. The refund proceeds that are deposited in that trust shall be used for electric customers throughout Westar's service territory who meet certain income eligibility qualifications as determined by the local area chapter of the American Red Cross, as more specifically described in the Stipulation and Agreement. No portion of the refund received by

Westar shall be used to pay the costs of administering Project Deserve or the assistance fund, whether incurred by Westar or the American Red Cross.

11. The settlement agreements discussed referenced above provide for distributions to former Williams customers in the same manner as prior orders. Only a limited number of customers, approximately 400, took service from Williams during the relevant time period. Williams no longer provides this service to these customers, or to any other customer within the state. The Commission finds, for the foregoing reasons, that the agreements are reasonable. Accordingly, the agreements are approved. Nothing in this order, however, should be construed as creating a right to any portion of the funds at issue. The Commission has relied upon the equitable factors discussed above in determining that the above-referenced settlement agreements should be approved, and not on any argument by which a customer asserted a right to a portion of the funds.

12. The Commission finds that the Salvation Army's and Conagra's Petitions for Intervention are appropriate under K.A.R. 82-1-225(b), and that the Salvation Army and Conagra should be granted permissive intervention.

13. The Commission finds that the Motion to Substitute Warren H. and Henry G. Brensing, d/b/a Pleasant Valley Milling for WH and Wayne Brensing is appropriate, and that the motion should be granted.

THE COMMISSION THEREFORE ORDERS THAT:

- (A) The settlement agreements described above are approved.
- (B) Williams is authorized to make payment to its former customers that have reached settlement with Staff, and whose settlement agreements are approved herein, based upon their

volumetric usage during the relevant time period, plus any interest that has accrued of such amounts.

(C) The Salvation Army and Conagra are granted intervention in this proceeding. As with all interventions, the Commission reserves the right under K.A.R. 82-1-225(c) to impose conditions on the participation of any intervening party if circumstances are later brought to the Commission's attention to warrant such restrictions or conditions.

(D) The Motion to Substitute Warren H. and Henry G. Brensing, d/b/a Pleasant Valley Milling, is granted.

(E) Any party may file a petition for reconsideration of this order within fifteen days of the date this order is served. If service is by mail, service is complete upon mailing and three days may be added to the above time frame.

(F) 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.

BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Wine, Com.; Krehbiel, Com.

Dated: JAN 29 2004

ORDER MAILED

JAN 29 2004

 Executive
Director

SUSAN K. DUFFY
EXECUTIVE DIRECTOR

pj

Project DESERVE

Project DESERVE provides emergency assistance with energy costs. Project DESERVE was one of the first programs in the country involving a for-profit business and a non-profit agency working together to meet the special needs of special people. Not only is this program a success in its own right, but it also has served as the role model for similar programs around the country. Money for Project DESERVE comes from the Project DESERVE Trust Fund, Westar Energy employees and customers and the Westar Energy Foundation.

Project DESERVE can help in two ways

Project DESERVE provides emergency assistance paying energy costs for people with a severe disability (children or adults meeting Social Security disability criteria) and older adults (people 60 years or older).

In addition, disbursements from a \$1 million company contribution to the Project DESERVE Trust Fund are used to fund a part of the program. Eligible households may receive one-time annual payments of up to \$300 (see Project DESERVE - Part 1 below) or \$100 (see Project DESERVE Part 2 below) to be applied toward an energy bill. The American Red Cross determines eligibility based on household income. The \$1 million contribution was made possible through a settlement agreement between Westar Energy and Williams Gas Pipelines Central, Inc. which gave Westar Energy a refund of ad valorem taxes collected several years ago.

If you think you might be eligible for one of the ways Project DESERVE can help, please contact the American Red Cross at (316) 219-4000 or call Westar Energy at (800) 383-1183.

Application for assistance

Aplicación para asistencia (español)

Project DESERVE - PART 1

- You must be 60 years or older.
- You must receive permanent disability income from SSI or SSD.
- These two categories provide a one-time, up to \$300 annual payment.

Project DESERVE - PART 2

You must meet the income guidelines in the chart below. This category provides a one-time up to \$100 annual payment.

Household size	Annual Income	Gross monthly income
1	\$12,287	\$1,024
2	\$16,643	\$1,387
3	\$20,999	\$1,750
4	\$25,355	\$2,113
5	\$29,711	\$2,479
6	\$34,067	\$2,838
7	\$38,423	\$3,202
8	\$42,779	\$3,565
Each additional person	\$4,356	\$363

How to contribute to Project DESERVE

We invite you to contribute to Project DESERVE by adding additional dollars to your monthly electric bill. You can easily make a one-time donation by adding \$1, \$2, \$3, or \$4 to your normal monthly payment. Your contribution, which may be tax deductible, is given to the American Red Cross Midway-Kansas chapter for distribution to those in need.

Contribute online or print and complete the attached authorization form below. Mail the completed form to the address on the form. Your contribution will be itemized on your monthly bill. You may cancel or change your Project DESERVE contribution at any time online or by contacting Westar Energy at 800-383-1183.

Contribute Now Online



Print Project DESERVE form

CERTIFICATE OF SERVICE

15-WSEE-182-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing of Staff's Report and Recommendation was served by electronic service on this 10th day of December, 2014, to the following:

NIKI CHRISTOPHER, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
n.christopher@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

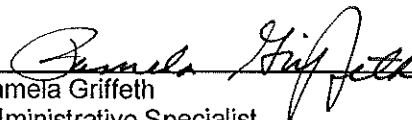
SHONDA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
sd.smith@curb.kansas.gov

DAVID SPRINGE, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.springe@curb.kansas.gov

ROBERT VINCENT, LITIGATION ATTORNEY
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
r.vincent@kcc.ks.gov

JEFFREY L. MARTIN, VICE PRESIDENT, REGULATORY
AFFAIRS
KANSAS GAS & ELECTRIC CO.
D/B/A WESTAR ENERGY
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
jeff.martin@westarenergy.com

CATHRYN J. DINGES, CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com


Pamela Griffeth
Administrative Specialist