

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of Westar Energy, Inc. and Kansas)	
Gas and Electric Company Seeking Commission)	Docket No. 16-WSEE-375-TAR
Approval to Implement Changes in their)	
Transmission Delivery Charges Rate Schedules.)	
)	
In the Matter of Westar Energy, Inc. and Kansas)	
Gas and Electric Company Seeking Commission)	Docket No. 17-WSEE-377-TAR
Approval to Implement Changes in their)	
Transmission Delivery Charge Rate Schedules.)	
)	
In the Matter of Westar Energy, Inc. and Kansas)	
Gas and Electric Company Seeking Commission)	Docket No. 18-WSEE-355-TAR
Approval to Implement Changes in their)	
Transmission Delivery Charge Rate Schedules.)	

**ORDER ACKNOWLEDGING EFFECTIVE DATE OF TRANSMISSION DELIVERY
CHARGE SUBJECT-TO-REFUND PURSUANT TO K.S.A. 66-1237**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, the Commission finds:

1. On August 31, 2018, Westar Energy Inc. and Kansas Gas and Electric Company (Westar) filed an updated Transmission Delivery Charge (TDC) tariff to reflect the reduction in revenue requirement resulting from the Tax Cut and Jobs Act.¹ Westar points to K.S.A. 66-1237

¹ Westar Energy Inc. and Kansas Gas and Electric Company Update to TDC for Effects of Tax Cut and Jobs Act, Aug. 31, 2018, p. 1.

as the statutory authority for the updated TDC.² Westar requests the proposed TDC rates become effective October 30, 2018.³

2. Any electric public utility subject to the Commission's jurisdiction may seek recovery of the utility's costs associated with the transmission of electric power through a separate TDC included in customers' bills.⁴

3. This filing is permitted under K.S.A. 66-1237. K.S.A. 66-1237 subsection (c) provides as follows:

All transmission-related costs incurred by an electric utility and resulting from any order of a regulatory authority having legal jurisdiction over transmission matters, including orders setting rates on a subject-to-refund basis, shall be conclusively presumed prudent for purposes of the transmission delivery charge and an electric utility may change its transmission delivery charge whenever there is a change in transmission-related costs resulting from such an order. The commission may also order such a change if the utility fails to do so. An electric utility shall submit a report to the commission at least 30 business days before changing the utility's transmission delivery charge. If the commission subsequently determines that all or part of such charge did not result from an order described by this subsection, the commission may require changes in the transmission delivery charge and impose appropriate remedies, including refunds.

4. Pursuant to K.S.A. 66-1237(c), all transmission-related costs incurred by an electric public utility which resulted from a body with regulatory authority over transmission matters are conclusively presumed prudent.

5. K.S.A. 66-1237(c) provides for a process by which an electric public utility submits a report to the Commission a minimum of 30 business days prior to the electric public utility changing its TDC.

6. The Commission may issue an order setting TDC rates subject-to-refund.⁵

² See *id.*

³ See *id.*

⁴ See K.S.A. 66-1237(a).

⁵ See K.S.A. 66-1237(c).

7. If the Commission subsequently determines all or part of the TDC rate does not comply with K.S.A. 66-1237, the Commission may require changes in the TDC and impose appropriate remedies, including refunds.⁶

8. The Commission finds Westar is a regulated electric public utility subject to the Commission's jurisdiction. The Commission also finds Westar filed its tariff to update its TDC on August 31, 2018, 30 business days prior to the requested effective date of the change. Accordingly, the Commission finds and concludes Westar has met the appropriate procedural requirements to allow its updated TDC to go into effect October 30, 2018, as requested.

9. Further, the Commission finds it has the authority to approve TDC rate changes subject-to-refund. The Commission notes that K.S.A. 66-1237(c) provides that if after Westar has changed its TDC the Commission determines all or part of the TDC did not result from an order described in K.S.A. 66-1237(c), the Commission may require changes in the charge and impose appropriate remedies, including refunds. The Commission recognizes finality of TDC rates is an ongoing dispute in other Westar TDC proceedings. Accordingly, the Commission finds and concludes the above summation of K.S.A. 66-1237(c) should in no way be deemed a conclusion or holding on matters regarding the subject-to-refund nature of TDCs, or other items, until the Commission explicitly rules upon such.

10. As stated above, all transmission-related costs incurred by an electric public utility which resulted from a body with regulatory authority over transmission matters are conclusively presumed prudent.⁷ Therefore, the Commission finds and concludes Westar's proposed TDC update will result in just and reasonable rates. Accordingly, the Commission finds and concludes

⁶ *Id.*

⁷ *See* K.S.A. 66-1237(c).

Westar's proposed TDC rates filed August 31, 2018, should become effective October 30, 2018, on a subject-to-refund basis while the Commission conducts its review of Westar's TDC.

11. The effective date of a TDC is governed by K.S.A. 66-1237(c). Upon further review of Westar's request, it is clear Westar is not requesting any tariff language changes or revisions to the TDC otherwise subject to K.S.A. 66-117 which would require the Commission to suspend the instant proceedings.

THEREFORE, THE COMMISSION ORDERS:

A. Westar Energy, Inc. and Kansas Gas and Electric Company's Transmission Delivery Charge, as filed August 31, 2018, goes into effect on October 30, 2018, subject to Commission review, possible changes to the charge and subject to appropriate remedies, including refunds.

B. Parties have 15 days, plus three days if service is by mail, to petition for reconsideration.⁸

C. The Commission retains jurisdiction over the subject matter and the parties to enter further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/23/2018



Lynn M. Retz
Secretary to the Commission

BGF

⁸ K.S.A. 66-118b; K.S.A. 77-529(a)(l).

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 10/23/2018.

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
jflaherty@andersonbyrd.com

KURT J. BOEHM, ATTORNEY
BOEHM, KURTZ & LOWRY
36 E SEVENTH ST STE 1510
CINCINNATI, OH 45202
Fax: 513-421-2764
kboehm@bkllawfirm.com

JODY KYLER COHN, ATTORNEY
BOEHM, KURTZ & LOWRY
36 E SEVENTH ST STE 1510
CINCINNATI, OH 45202
Fax: 513-421-2764
jkylercohn@bkllawfirm.com

MARTIN J. BREGMAN
BREGMAN LAW OFFICE, L.L.C.
311 PARKER CIRCLE
LAWRENCE, KS 66049
mjb@mjbregmanlaw.com

ANDREW J ZELLERS, GEN COUNSEL/VP REGULATORY
AFFAIRS
BRIGHTERGY, LLC
1712 MAIN ST 6TH FLR
KANSAS CITY, MO 64108
Fax: 816-511-0822
andy.zellers@brightergy.com

GLEND A CAFER, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
Fax: 785-233-3040
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
Fax: 785-233-3040
terri@caferlaw.com

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

TODD E. LOVE, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
t.love@curb.kansas.gov

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

CERTIFICATE OF SERVICE

18-WSEE-355-TAR

SHONDA RABB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
s.rabb@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

ARON CROMWELL
CROMWELL ENVIRONMENTAL, INC.
615 VERMONT ST
LAWRENCE, KS 66044
acromwell@cromwellenv.com

GREG WRIGHT
EMG, INC.
420 NE LYMAN RD.
TOPEKA, KS 66608
greg@emgnow.com

KEVIN HIGGINS
ENERGY STRATEGIES, LLC
PARKSIDE TOWERS
215 S STATE ST STE 200
SALT LAKE CITY, UT 84111
Fax: 801-521-9142
khiggins@energystrat.com

JOHN FINNIGAN, LEAD COUNSEL
ENVIRONMENTAL DEFENSE FUND
128 WINDING BROOK LANE
TERRACE PARK, OH 45174
jfinnigan@edf.org

WILLIAM R. LAWRENCE
FAGAN EMERT & DAVIS LLC
730 NEW HAMPSHIRE SUITE 210
LAWRENCE, KS 66044
Fax: 785-331-0303
wlawrence@fed-firm.com

C. EDWARD PETERSON, ATTORNEY
FINNEGAN CONRAD & PETERSON LC
3100 BROADWAY STE 300
KANSAS CITY, MO 64111
Fax: 816-756-0373
ed.peterson2010@gmail.com

MATTHEW H. MARCHANT
HOLLYFRONTIER CORPORATION
2828 N HARWOOD STE 1300
DALLAS, TX 75201
matthew.marchant@hollyfrontier.com

JOHN GARRETSON, BUSINESS MANAGER
IBEW LOCAL UNION NO. 304
3906 NW 16TH STREET
TOPEKA, KS 66615
Fax: 785-235-3345
johnng@ibew304.org

JOHN R. WINE, JR.
410 NE 43RD
TOPEKA, KS 66617
Fax: 785-246-0339
jwine2@cox.net

BRIAN G. FEDOTIN, DEPUTY GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
b.fedotin@kcc.ks.gov

CERTIFICATE OF SERVICE

18-WSEE-355-TAR

DUSTIN KIRK, DEPUTY GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
d.kirk@kcc.ks.gov

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

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

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

ROBIN ALLACHER, REGULATORY AFFAIRS
KANSAS GAS & ELECTRIC CO.
D/B/A WESTAR ENERGY
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
robin.allacher@westarenergy.com

ROBERT V. EYE, ATTORNEY AT LAW
KAUFFMAN & EYE
4840 Bob Billings Pkwy, Ste. 1010
Lawrence, KS 66049-3862
Fax: 785-749-1202
bob@kauffmaneye.com

KEVIN HIGGINS
KEVIN C. HIGGINS
PARKSIDE TOWERS
215 S STATE ST STE 200
SALT LAKE CITY, UT 84111
khiggins@energystat.com

JACOB J SCHLESINGER, ATTORNEY
KEYES FOX & WIEDMAN LLP
1580 LINCOLN STREET
SUITE 880
DENVER, CO 80203
jschlesinger@kfwlaw.com

BRENDA HARRIS, DIRECTOR POWER
OCCIDENTAL CHEMICAL CORPORATION
5 GREENWAY PLAZA, SUITE 110
HOUSTON, TX 77046-0521
brenda_harris@oxy.com

ANNE E. CALLENBACH, ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
Fax: 913-451-6205
acallenbach@polsinelli.com

FRANK A. CARO, JR., ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
Fax: 816-753-1536
fcaro@polsinelli.com

LUKE A. HAGEDORN, ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
Fax: 913-451-6205
lhagedorn@polsinelli.com

CERTIFICATE OF SERVICE

18-WSEE-355-TAR

ANDREW J. FRENCH, ATTORNEY AT LAW
SMITHYMAN & ZAKOURA, CHTD.
7400 W 110TH ST STE 750
OVERLAND PARK, KS 66210-2362
Fax: 913-661-9863
andrew@smizak-law.com

JAMES P. ZAKOURA, ATTORNEY
SMITHYMAN & ZAKOURA, CHTD.
7400 W 110TH ST STE 750
OVERLAND PARK, KS 66210-2362
Fax: 913-661-9863
jim@smizak-law.com

DAVID HAGG, VICE PRESIDENT - REGULATORY
TALLGRASS ENERGY
370 Van Gordon Street
Lakewood, CO 80228
david.haag@tallgrassenergyllp.com

JARID KLING, DIRECTOR-OPERATIONS, CONTROL &
SYSTEM ENGINEERING
TALLGRASS ENERGY
370 Van Gordon Street
Lakewood, CO 80228
jarid.kling@tallgrassenergyllp.com

ADAM SCHICHE, SENIOR ATTORNEY
TALLGRASS ENERGY
370 Van Gordon Street
Lakewood, CO 80228
adam.schiche@tallgrassenergyllp.com

KATHERINE COLEMAN
THOMPSON & KNIGHT LLP
98 SAN JACINTO BLVD STE 1900
AUSTIN, TX 78701
Fax: 512-469-6180
katie.coleman@tklaw.com

PHILLIP OLDHAM
THOMPSON & KNIGHT LLP
98 SAN JACINTO BLVD STE 1900
AUSTIN, TX 78701
Fax: 512-469-6180
phillip.oldham@tklaw.com

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

TIMOTHY E. MCKEE, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
Fax: 316-630-8101
temckee@twgfirm.com

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

GARY WELCH, ENERGY MANAGER
UNIFIED SCHOOL DISTRICT 259
201 N WATER
WICHITA, KS 67202
Fax: 316-973-2150
gwelch@usd259.net

ROBIN ALLACHER, REGULATORY ANALYST
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
robin.allacher@westarenergy.com

CERTIFICATE OF SERVICE

18-WSEE-355-TAR

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

CINDY S. WILSON, DIRECTOR, RETAIL RATES
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
cindy.s.wilson@westarenergy.com

LARRY WILKUS, DIRECTOR, RETAIL RATES
WESTAR ENERGY, INC.
FLOOR #10
818 S KANSAS AVE
TOPEKA, KS 66601-0889
larry.wilkus@westarenergy.com

DAVID L. WOODSMALL
WOODSMALL LAW OFFICE
308 E HIGH ST STE 204
JEFFERSON CITY, MO 65101
Fax: 573-635-7523
david.woodsmall@woodsmalllaw.com

/S/ DeeAnn Shupe
DeeAnn Shupe
