

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Joint Application of Great Plains)
Energy Incorporated, Kansas City Power & Light)
Company and Westar Energy, Inc. for approval of the) Docket No. 16-KCPE-593-ACQ
Acquisition of Westar Energy, Inc. by Great Plains)
Energy Incorporated)

MOTION REQUESTING ADMINISTRATIVE NOTICE
BE TAKEN BY THE COMMISSION

Kansas Industrial Consumers Group, Inc. ("KIC") respectfully files this Motion Requesting Administrative Notice be taken by the Commission. In support of its Motion, KIC states to the State Corporation Commission of the State of Kansas ("KCC" or "Commission") as follows:

1. On June 28, 2016, Westar Energy, Inc. ("Westar"), Great Plains Energy Incorporated ("GPE") and Kansas City Power & Light Company ("KCP&L") (collectively "Joint Applicants") filed a Joint Application ("Application") for the approval of the acquisition of Westar by GPE.

2. On December 2, 2016, KIC filed an Application for Intervention on behalf of commercial, business, industrial, and not-for-profit and educational entities that purchase large volumes of electric energy and natural gas for their operations and activities¹, specifically stating that Occidental Chemical Corporation; CCPS Transportation, LLC; Spirit AeroSystems, Inc.; the Goodyear Tire & Rubber Company; Coffeyville Resources Refining & Marketing, LLC; and Cargill Incorporated – which had previously been granted intervention and consolidated into the Large Industrial Consumer Group– and HollyFrontier El Dorado Refining LLC

¹ Application for Intervention, Dec. 2, 2016, ¶2.

(“HollyFrontier”)– which filed a Petition to Intervene on December 1, 2016 – would consolidate their activities and participate in this Docket through KIC².

3. On December 15, 2016, the Commission recognized KIC, ordered that the Large Industrial Consumer Group will be represented by KIC, and granted intervention to HollyFrontier as part of KIC³. The entities herein that consolidate their activities and participation in this Docket through KIC are all ratepayers of Westar.

4. On Monday, January 30, 2017, the Commission commenced the Evidentiary Hearing in this matter. On February 2, 2017, during the Evidentiary Hearing proceedings, the Commission, in order to clarify the record, instructed counsel for KIC to make a motion requesting that Administrative Notice be taken of previous KCC Orders that KIC counsel had previously utilized for the purpose of cross-examination of Joint Applicant witnesses. The Commission allowed that such motion could be made in writing at the conclusion of the Evidentiary Hearing. The Evidentiary Hearing was closed on February 7, 2016.

5. K.A.R. 82-1-230(h) states that “[i]n addition to matters that are required or permitted to be judicially noticed by K.S.A. 60-409 and amendments thereto, the presiding officer may take administrative notice of commission files and records in deciding matters pending before it.” In accordance with K.A.R. 82-1-230(h), KIC respectfully requests that the Commission take administrative notice of the following Commission Orders:

² *Id.* at ¶4.

³ Order Granting Intervention to HollyFrontier El Dorado Refining, Inc. and Recognizing the Kansas Industrial Consumers Group, Inc., Dec. 15, 2016, page 4.

	<u>Order Title</u>	<u>KCC Docket Number</u>	<u>Date Issued</u>
1.	Order Approving with Modification the Merger between KPL and KG&E	Consolidated Docket Nos. 172,745-u and 174,155-D	11/15/1991
2.	Order on Motion to Approve Agreement	Consolidated Docket Nos. 193,306-U (96-KG&E-100-RTS) and 193,307-U (96-WSRE-101-DRS)	10/1/1996
3.	Order on Merger Application	97-WSRE-676-MER	9/28/1999
4.	Order for Western Resources to Permanently Halt Restructuring and Affirming May 22, 2001 Order	01-WSRE-949-GIE	7/20/2001
5.	Order on Rate Applications	01-WSRE-436-RTS	7/25/2001
6.	Order Approving Rate Consolidation	09-WSEE-641-GIE	10/26/2009
7.	Order on Merger Standards	16-ITCE-512-ACQ	8/9/2016

6. In addition to the seven KCC Orders, listed in Paragraph 5, KIC respectfully requests that the Commission take administrative notice of the following Kansas Appellate Court decisions:

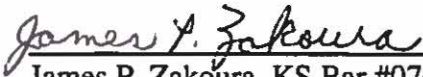
Farmland Industries v. Kansas Corporation Comm'n, 24 Kan.App.2d 172, 943 P.2d 470 (1997) (*Farmland I*).

Farmland Industries v. Kansas Corporation Comm'n, 25 Kan.App.2d 849, 971 P.2d 1213 (1999) (*Farmland II*).

These two Kansas Appellate Court decisions, although not explicitly referenced by counsel for KIC during cross-examination, are cited to by the Commission in the October 26, 2009, Order Approving Rate Consolidation, in Docket No. 09-WSEE-641-GIE.

WHEREFORE, KIC respectfully requests that the Commission take administrative notice of the above listed Commission Orders and Kansas Appellate Court decisions.

Respectfully submitted,


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VERIFICATION

STATE OF KANSAS)
)
COUNTY OF JOHNSON) ss:

James P. Zakoura, of lawful age, being first duly sworn, upon oath states:

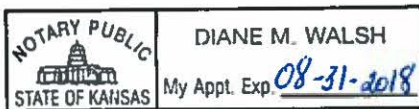
That he is the attorney for the Kansas Industrial Consumers Group, Inc., that he has read the above and foregoing Motion Requesting Administrative Notice be Taken by the Commission, knows the contents thereof, and knows that all of the statements made therein are true.


James P. Zakoura

SUBSCRIBED AND SWORN to before me this 7th day of February, 2017.


Notary Public

My Appointment Expires:



CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or regular U.S. mail (unless otherwise noted), the 7th day of February, 2017, to the parties below:

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