

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

Before Commissioners: Mark Sievers, Chairman
 Thomas E. Wright
 Shari Feist Albrecht

In the Matter of the Application of Westar)
Energy, Inc. and Kansas Gas and Electric)
Company for Approval of Revisions to) Docket No. 14-WSEE-148-TAR
Their General Terms and Conditions to)
Implement an Optional Prepay Service Pilot)
Program.)

ORDER DESIGNATING PREHEARING OFFICER;
PROCEDURAL ORDER

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having reviewed the pleadings and record, the Commission finds and concludes as follows:

I. Background

1. On October 1, 2013, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) filed an application seeking Commission approval for tariff revisions to its General Terms and Conditions to implement an optional prepay service pilot program (Application).¹

2. On October 24, 2013, the Citizens' Utility Ratepayer Board (CURB) was granted intervention in this Docket.²

II. Order Designating Prehearing Officer

3. Although the Commission will conduct any evidentiary hearing that may become necessary in this docket, the Commission designates a prehearing officer to conduct any prehearing conferences that may be necessary and to address any matters appropriately

¹ Application, (October 1, 2013).

² Order Granting Intervention to CURB, (October 24, 2013).

considered in a prehearing conference, including all items listed in K.S.A. 77-517(b) of the Kansas Administrative Procedure Act (KAPA). The Commission designates Mark L. Sprecker, Advisory Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604-4027, telephone number (785) 271-3312, m.sprecker@kcc.ks.gov to serve as Prehearing Officer in this proceeding.³ The Commission may designate other staff members to serve in this capacity.

III. Procedural Order

4. The Commission approves the use of electronic service of all testimony, briefs, and orders, without requiring the provision of follow-up hard copies as required by K.A.R. 82-1216(a)(6). Confidential papers will be served either electronically if confidentiality can be retained or by some other method such as providing information on a compact disc. Testimony and briefs must be served electronically by 3:00 p.m., on the date due, without requiring service among the parties of a follow-up hard copy, but the original and at least seven paper copies of testimony and briefs must still be filed for use by the Commission.⁴ Any electronic service of Commission Orders without follow-up hard copies will specifically state in the electronic message serving the Order that the electronic message constitutes service of the attached Commission Order, and that no hard copy will follow. The Commission directs electronic service of testimony and briefs include service on the Prehearing Officer at m.sprecker@kcc.ks.gov.

5. Parties' conduct and decorum are subject to the provisions of K.A.R. 82-1-228.⁵ Counsel appearing before the Commission are bound by the Kansas Rules of Professional

³ K.S.A. 77-514; K.S.A. 77-516; K.S.A. 77-551.

⁴ K.A.R. 82-1-215(a).

⁵ K.A.R. 82-1-228(f)(1) ("The conduct of attorneys and other representatives during a hearing shall be the same as the conduct required of attorneys in the district courts of Kansas.").

Conduct.⁶ As such, all parties shall conduct themselves in a manner consistent with the decorum and dignity of the Commission and abide by the Commission's rules and practices.⁷ The Commission has the statutory power to regulate its hearings⁸ and to do all things necessary and convenient in the exercise of its duties, including prohibiting a party to appear at a hearing based on a party's improper conduct.⁹

6. Pre-filed documents shall conform to the requirements of K.A.R. 82-2-219.

7. The Commission's rules regarding presentation and distribution of evidentiary exhibits are described in K.A.R. 82-1-221. Absent a Commission order to the contrary, all evidentiary exhibits, including those on rebuttal, that parties intend to offer as evidence shall be pre-marked (*e.g.*, Staff's Exhibit #1).¹⁰ Exceptions may only be granted if a party shows good cause.¹¹ If the parties are represented by multiple attorneys, only one copy need be provided. PowerPoint slides or other visual aids used in opening statements shall be marked as an exhibit and entered into the record.

8. Information must conform to the requirements of K.A.R. 82-1-221a in order to be treated confidential. Specifically, a party must explain the reasons the information should be confidential and the potential harm caused by non-confidentiality.¹² The Commission reserves the right to poll the parties at the beginning of any hearing in order to identify potential confidentiality issues.¹³

⁶ KRPC 3.5(d); KRPC 3.6; KRPC 4.1; KRPC 8.2; KRPC 8.4(c)-(e).

⁷ K.A.R. 82-1-225; K.A.R. 82-1-228; K.A.R. 82-1-229; K.A.R. 82-1-230.

⁸ K.S.A. 66-106.

⁹ K.S.A. 74-602; K.A.R. 82-1-228(f)(1).

¹⁰ K.A.R. 82-1-221(b).

¹¹ *Id.*

¹² K.A.R. 82-1-221a(a)(5).

¹³ K.S.A. 74-602.

9. The Commission may take administrative notice of its regulations, files, records, and orders concerning the legal arguments parties make.¹⁴ The Commission may also take administrative notice of matters that are required or permitted to be judicially noticed by K.S.A. 66-409.¹⁵ Instead of offering such documents into evidence, the parties may simply cite to them with sufficient detail to allow the Commission to readily locate the decision or order.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission designates Mark L. Sprecker to serve as Prehearing Officer in this proceeding.

B. The provisions of the Procedural Order apply to this docket.

C. The Commission approves electronic service in this docket without follow-up hard copies.

D. The parties have 15 days from the date this Order was electronically served to petition the Commission for reconsideration.¹⁶

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

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chairman; Wright, Commissioner; Albrecht, Commissioner

Dated: OCT 29 2013



ORDER MAILED OCT 29 2013

Kim Christiansen
Executive Director

MLS

¹⁴ K.A.R. 82-1-230(h).

¹⁵ *Id.*

¹⁶ K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

CERTIFICATE OF SERVICE

OCT 29 2013

14-WSEE-148-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order Designating Prehearing Officer; Procedural Order was served by electronic mail this 29th day of October, 2013, to the following parties who have waived receipt of follow-up hard copies:

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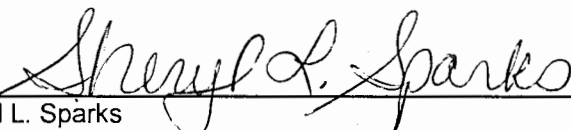
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