

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

In the Matter of the Joint Application of Westar)
Energy, Inc. and Kansas Gas and Electric) Docket No. 18-WSEE-328-RTS
Company for Approval to Make Certain)
Changes in their Charges for Electric Services.)

**SIERRA CLUB, VOTE SOLAR, AND
CLIMATE AND ENERGY PROJECT'S
CONTESTED ISSUES LIST**

Sierra Club, Vote Solar, and Climate and Energy Project (collectively, “Intervenors”) hereby submit this Contested Issues List (“Issues List”) as required by the Kansas Corporation Commission’s (“Commission”) March 8, 2018, *Order Setting Procedural Schedule* in this docket. Intervenors object to the *Non-Unanimous Stipulation and Agreement* (“NSA”) filed in this docket on July 17, 2018, by the Staff of the State Corporation Commission of the State of Kansas (“Staff”), Westar Energy, Inc. and Kansas Gas and Electric Company (collectively, “Westar”), Citizens’ Utility Ratepayer Board (“CURB”), Kansas Industrial Consumers Group, Inc., on its own behalf and on behalf of its members (“KIC”), Unified School District No. 259 (“USD 259”), The Kroger Co. (“Kroger”), U.S. Department of Defense and all other Federal Executive Agencies (“DOD/FEA”), HollyFrontier El Dorado Refining LLC (“Frontier”), Wal-Mart Stores, Inc. (“Wal-Mart”), Tyson Foods, Inc., the Topeka Metropolitan Transit Authority, and The Kansas State Board of Regents (collectively, “Joint Movants”), and submit the following issues to be resolved through pre-filed testimony, cross-examination, briefing, and argument.¹

¹ Intervenors attempt to summarize the contested issues in this filing. The failure to list a particular issue or issues does not constitute acquiescence to those unlisted issues, nor limits the Intervenors from supporting or opposing any particular aspect of this case or the NSA during this proceeding.

Sierra Club, Vote Solar, and Climate and Energy Project issues:

1. Have Joint Movants demonstrated that the NSA establishes rates and rules that are “just and reasonable” and not “unreasonably discriminatory or unduly preferential?” K.S.A. § 66-101b.
2. Have Joint Movants demonstrated that the NSA does not consider the use of renewable energy sources as a basis for establishing higher rates or charges for any service or commodity sold to Residential Distributed Generation (“RS-DG”) customers? K.S.A. § 66-117d.
3. Have Joint Movants demonstrated that the NSA does not subject RS-DG customers to prejudice or disadvantage because of their use of renewable energy sources and does not discriminate against RS-DG customers compared to the rates for sale of electricity to other customers? K.S.A. § 66-117d; 18 C.F.R. § 292.305.
4. Have Joint Movants demonstrated that the NSA meets all statutory standards for rates and that the NSA should be approved? K.A.R. § 82-1-230a.
5. Have Joint Movants demonstrated that the results of the NSA are in the public interest?

Sierra Club issues only:

6. Have Joint Movants demonstrated that the NSA establishes rates that are “just and reasonable,” K.S.A. § 66-101b, and “fair and reasonable,” K.S.A. §§ 66-128 and 66-128a?
7. Have Joint Movants demonstrated that the NSA, and the revenue requirements and rates set forth therein, reflect only efficient and prudent spending on Westar’s coal-fired generating units? K.S.A. §§ 66-128, 66-128a, 66-128c, 66-128e, 66-128g.
8. Have Joint Movants demonstrated that the NSA, and the revenue requirements and rates set forth therein, reflect electric power sales that are efficient and prudent? K.S.A. § 66-128j.

Respectfully submitted,



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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

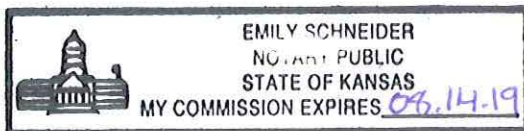
Robert V. Eye, of lawful age, being first duly sworn upon oath, deposes and states:

That he is an attorney for Climate + Energy Project, that he has read the above and foregoing and that the statements therein contained are true and correct according to his knowledge, information and belief.



Robert V. Eye

Subscribed and sworn to before me this 18th day of July, 2018.





CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July 2018, a true and correct copy of **SIERRA CLUB, VOTE SOLAR, AND CLIMATE AND ENERGY PROJECT'S CONTESTED ISSUES LIST** was electronically delivered to the following individuals:

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