

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

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

**STAFF'S MOTION FOR APPROVAL OF WESTAR ENERGY'S  
TRANSMISSION DELIVERY CHARGE TARIFF SUBJECT-TO-REFUND**

COMES NOW, the Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively), and hereby moves the Commission to approve Westar Energy, Inc. and Kansas Gas and Electric Company's Transmission Delivery Charge (TDC) tariff on a subject-to-refund basis. In support of its Motion, Staff states as follows:

1. On February 15, 2016, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar Energy) filed an Application with the Commission seeking approval to update its TDC tariff to recover costs associated with Westar Energy's transmission of electric power.<sup>1</sup> The Application Westar Energy filed cites to K.S.A. 66-1237 as the authority for the recovery of the TDC.<sup>2</sup> Westar Energy's Application requests the proposed TDC rates become effective on April 1, 2016.<sup>3</sup>

2. On February 24, 2016, the Occidental Chemical Corporation (OxyChem) filed a Petition to Intervene. The Commission approved OxyChem's Petition to Intervene on March 10, 2016.<sup>4</sup>

3. Staff has conducted an initial review of Westar Energy's Application, and notes that K.S.A. 66-1237 permits Westar Energy to recover costs associated with transmission of

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<sup>1</sup> Tariff for Westar Energy and Kansas Gas and Electric for 2016 Transmission Delivery Charge, p. 1 (Feb. 15, 2016).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Order Granting Intervention (Mar. 10, 2016).

electric power through an application to the Commission. Staff will conduct an audit of Westar Energy's TDC filing, including a review of any Federal Energy Regulatory Commission (FERC) rulings. Staff anticipates filing its Report and Recommendation in this docket on or before May 30, 2016. If Staff is unable to file its Report and Recommendation on or before May 30, 2016, Staff will file a status report with the Commission explaining the cause for delay and will provide a new anticipated date for the filing of its Report and Recommendation.

4. In accordance with K.S.A. 66-1237, the Commission may grant approval of TDC rates on a subject-to-refund basis. In the instant Application, Staffs supports granting Westar Energy's request for the proposed TDC tariff to become effective on April 1, 2016, on condition that the Commission deem the updated rates subject-to-refund. Staff notes that this recommendation is consistent with the "conclusively presumed prudent" clause outlined in K.S.A. 66-1237. Finally, Staff respectfully reserves the right to recommend refunds to affected customers should Staff's investigation or subsequent FERC holdings reveal or conclude such refunds are required.

WHEREFORE, Staff respectfully requests the Commission grant this Motion for Approval of Westar Energy's Transmission Delivery Charge Tariff Subject-To-Refund.

Respectfully submitted,

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Attorney for Commission Staff

## **CERTIFICATE OF SERVICE**

16-WSEE-375-TAR

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion for Approval of Westar Energy's Transmission Delivery Charge Tariff Subject-To-Refund was served by electronic service on this 10th day of March, 2016, to the following:

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