

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of Westar Energy Seeking)
Commission Approval to Implement Changes) Docket No. 15-WSEE-366-TAR
in their 2015 Transmission Delivery Charge)

**ORDER GRANTING APPLICATION TO IMPLEMENT CHANGES IN
TRANSMISSION DELIVERY CHARGE SUBJECT-TO-REFUND**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

I. BACKGROUND

1. On February 19, 2015, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar Energy) filed an Application with the Kansas Corporation Commission seeking approval to update its Transmission Delivery Charge (TDC) tariff to reflect recovery costs associated with Westar Energy's transmission of electric power.¹ The Application Westar Energy filed cites to K.S.A. 66-1237 as the authority for the recovery of the TDC.² Westar Energy's Application requests that the updated and proposed TDC rates become effective on April 2, 2015.³

2. On February 23, 2015, the Citizens' Utility Ratepayer Board (CURB) filed its Petition to Intervene, citing its statutory authority to represent residential and small commercial

¹ Application of Westar Energy Seeking Commission Approval to Implement Changes in their 2015 Transmission Delivery Charge (Feb. 19, 2015).

² *Id.*

³ *Id.*

ratepayers. CURB explains the rates paid by and the services received by residential and small commercial customers may be substantially affected by this proceeding.⁴ The Commission approved CURB's Petition to Intervene on March 5, 2015.⁵

3. On March 12, 2015, Commission Staff (Staff) filed its Motion for Approval of Westar's Application to Update Its TDC Tariff Subject to Refund,⁶ wherein Staff recommended the Commission approve Westar Energy's Application subject to the Commission's findings in its final order in this docket.

4. In its motion, Staff concurred with Westar Energy's position that this matter is governed by K.S.A. 66-1237.⁷ Staff further took the position that K.S.A. 66-1237 grants the Commission authority to grant approval of TDC rates on a subject-to-refund basis.⁸

5. Finally, Staff indicated that it required additional time to complete its audit of Westar Energy's Application in this matter, and anticipates filing a report and recommendation or status update on or before June 30, 2015.

II. FINDINGS AND CONCLUSIONS

6. Any electric utility subject to the Commission's regulation may seek recovery of its costs associated with the transmission of electric power through a separate transmission delivery charge included in customers' bills.⁹

7. An electric utility shall submit a report to the Commission at least 30 days before changing the utility's transmission delivery charge.¹⁰

8. The Commission may issue an order setting the TDC rates subject-to-refund.¹¹

⁴ Petition to Intervene, ¶ 5 (Feb. 23, 2015).

⁵ Order Granting Intervention (Mar. 5, 2015).

⁶ Staff's Motion for Approval of Westar's Application to Update Its TDC Tariff Subject to Refund (Mar. 12, 2015).

⁷ *Id.* at p. 2.

⁸ *Id.*

⁹ K.S.A. 66-1237(a).

¹⁰ K.S.A. 66-1237(c).

9. If the Commission subsequently determines that all or part of the TDC rate does not comply with K.S.A. 66-1237, the Commission may require changes in the TDC charge and impose appropriate remedies, including refunds.¹²

10. The Commission finds that Westar Energy is a regulated public utility subject to the Commission's jurisdiction and regulation. The Commission also finds that Westar Energy filed its Application to update its TDC charges on February 19, 2015, well in excess of the 30 days before the requested effective date of the rate change.

11. Further, the Commission finds that it has the authority to approve the TDC rate changes subject-to refund, and that Staff's request to grant the requested rate changes subject-to-refund is just and reasonable under the circumstances.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Westar Energy's Application to update its transmission delivery charge, as filed on February 19, 2015, is conditionally granted and subject-to-change and further review by the Commission and its Staff. The effective date of the updated TDC charges shall be April 2, 2015.

B. The parties have 15 days, plus three days if service of this Order is by mail, to petition the Commission for reconsideration of any issue or issues decided herein.¹³

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

¹¹ *Id.*

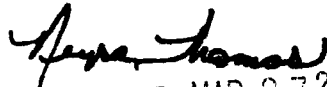
¹² *Id.*

¹³ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: MAR 26 2015


ORDER MAILED MAR 27 2015
Neysa Thomas
Acting Secretary

REV

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
NIKI CHRISTOPHER, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered***		
DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered***		
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JEFFREY L. MARTIN, VICE PRESIDENT, REGULATORY AFFAIRS KANSAS GAS & ELECTRIC CO. D/B/A WESTAR ENERGY 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889		
MICHAEL B. HEIM, SR. REGULATORY ANALYST WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889		

ORDER MAILED **MAR 27 2015**

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.