

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Application of Westar)
Energy, Inc. and Kansas Gas and Electric)
Company Seeking Commission Approval for) Docket No. 18-WSEE-493-TAR
the Proposed Changes to its Net Metering)
Rider.)

ORDER GRANTING WAIVER OF SUSPENSION PERIOD

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

I. BACKGROUND

1. On May 11, 2018, Westar filed an Application requesting Commission approval of proposed changes to its Net Metering Rider.¹

2. The Commission's May 24, 2018 Suspension Order suspended the effectiveness of Westar's Application for a period of 240 days from the date it was filed, May 11, 2018, until Monday, January 7, 2019, pursuant to K.S.A. 66-117(c).²

3. On December 12, 2018, Staff filed its Report and Recommendation in this matter. Staff's Report and Recommendation noted Staff's concerns with Westar's Application. However, Staff noted its desire to work collaboratively with Westar to address Staff's concerns.

¹ Application of Westar (May 11, 2018).

² Because the 240-day statutory deadline originally ended on Sunday, January 6, 2019, the Commission extended the deadline until the end of the next day that is not a Saturday, a Sunday, or a legal holiday in accordance with K.S.A. 77-503(c).

4. On December 13, 2018, the Joint Movants requested a 60-day extension of the suspension period in this docket.³ The Commission granted this request on December 20, 2018.⁴

5. On February 18, 2019, the Joint Movants requested a waiver of the suspension period applicable in this docket.⁵

II. DISCUSSION

6. K.S.A. 66-117(c), among other things, permits the Commission and the public utility applicant to agree to a waiver or extension of statutory suspension periods.

7. As indicated in prior pleadings, the Joint Movants have been working collaboratively toward a resolution of the docket and have resolved the majority of outstanding issues between them.⁶ Given the unique nature of Westar's Application and need to incorporate agreed-upon terms into a filing for Commission review, the Joint Movants agree waiving the suspension period would aid in facilitating a resolution of this matter.⁷

8. The Joint Movants request the Commission agree to waive the suspension period applicable in this docket.⁸ As such, any proposed tariff revisions in this docket would take effect only after the Joint Movants submit such for Commission review.⁹

III. FINDINGS AND CONCLUSIONS

9. Westar is an electric public utility as defined by K.S.A. 66-101 *et seq.*, and K.S.A. 66-104. As such, Westar is subject to the Commission's jurisdiction. Accordingly, the Commission finds and concludes it may rule on the Joint Movants' request.

³ Joint Motion for Extension of Suspension Period, p. 2 (Dec. 12, 2018).

⁴ Order Granting Joint Motion for Extension of Suspension Period (Dec. 20, 2018).

⁵ Joint Motion for Waiver of Suspension Period, p. 2 (Feb. 18, 2019).

⁶ *See id.*

⁷ *See id.*

⁸ *See id.*

⁹ *See id.*

10. Pursuant to K.S.A. 66-117(c)(3), the Commission and a public utility or common carrier may agree to a waiver or extension of a docket's suspension period.¹⁰ The Commission finds and concludes Kansas law permits waiver of the suspension period as requested by the Joint Movants.

11. The Commission finds and concludes the Joint Movants are working in good faith to resolve outstanding issues between them. Given this progress, the Commission finds and concludes waiver of the suspension period in this matter is in the public interest. Accordingly, the Commission approves the Joint Movants' Motion.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Pursuant to K.S.A. 66-117(c)(3), the suspension period in this docket shall be waived.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹¹

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

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 02/28/2019



Lynn M. Retz
Secretary to the Commission

REV

¹⁰ See K.S.A. 66-117(c)(3).

¹¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

18-WSEE-493-TAR

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 02/28/2019.

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