

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

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

In the Matter of the Application of Westar      )  
Energy, Inc. for a Siting Permit for the      )      Docket No. 15-WSEE-365-MIS  
Construction of a 345 kV Transmission Line      )  
in Riley and Pottawatomie Counties,      )  
Kansas.      )

**ORDER SETTING PROCEDURAL SCHEDULE**

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:

1.      On February 20, 2015, Westar Energy, Inc. (Westar) filed an Application with the Commission for a Siting Permit for the construction of a 345 kV transmission line in Riley and Pottawatomie counties.

2.      Also on February 20, 2015, Westar filed a Motion requesting the Commission issue a procedural schedule.<sup>1</sup> Westar's Motion stated it had discussed the proposed schedule with Commission Staff (Staff) and Staff agreed with the proposed schedule for this docket. Westar proposed the following schedule, with Commission changes and additions displayed in bold type:

<u><b>Date</b></u>	<u><b>Action</b></u>
<b>February 20, 2015</b>	Filing Date

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<sup>1</sup> Motion for Procedural Schedule, ¶2 (February 20, 2015).

February 27, 2015	Westar Mails Notice to Landowners
February 27, 2015	Westar Starts Publication Notice
March 13, 2015	Westar Completes Publication Notice
March 16, 2015	Westar Files Affidavit of Notice
March 24, 2015	Public Hearing, <b>6:00 p.m.</b> Wamego High School Wamego, Kansas
April 1, 2015	Public Comment Period Ends
April 3, 2015	PACP Files Report of Public Comments
April 10, 2015	Staff and Intervenor Direct Testimony and Responsive Testimony to Public Comments
April 24, 2015	Westar Rebuttal Testimony to Staff and Intervenor Direct Testimony, and Response to Public Comments
April 28, 2015	Prehearing Conference, <b>9:00 a.m.</b> Kansas Corporation Commission Third Floor Hearing Room 1500 SW Arrowhead Road Topeka, KS 66604
April 28, 2015	Prehearing Motion and Discovery Cutoff, disputed issue list due
<b>May 6, 2015</b>	Evidentiary Hearing, <b>9:00 a.m.</b> Kansas Corporation Commission First Floor Hearing Room 1500 SW Arrowhead Road Topeka, KS 66604
May 13, 2015	Simultaneous Initial Briefs
May 19, 2015	Simultaneous Responsive Briefs

June 19, 2015	Commission Order
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3. None of the parties raised objection to Westar's proposed procedural schedule, and the Commission finds the schedule appropriate and reasonable. Therefore, the Commission adopts the schedule as set forth above.

4. A prehearing conference will be needed before an evidentiary hearing to address any pending matters, to establish procedures to use during the evidentiary hearing, and to consider any other prehearing issues that will promote the orderly and prompt conduct of this proceeding.<sup>2</sup> To this end, the Commission sets the Prehearing Conference to begin on April 28, 2015, beginning at 9:00 a.m. in the Third Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. Prehearing Officer Jay P. Van Blaricum, telephone 785-271-3186, email address [j.vanblaricum@kcc.ks.gov](mailto:j.vanblaricum@kcc.ks.gov), will preside. Any party who fails to attend or participate in the Prehearing Conference or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act (KAPA).<sup>3</sup> At the Prehearing Conference, this proceeding may, without further notice, be converted into a conference hearing or a summary proceeding for disposition of the matter as provided by the KAPA.<sup>4</sup>

5. In addition to the Prehearing Conference discussed above, the Commission schedules the Evidentiary Hearing, with the Commission presiding, to begin on May 6, 2015, at 9:00 a.m., and continue as needed and ordered by the Commission, in the First Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027,

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<sup>2</sup> K.S.A. 77-517; K.A.R. 82-1-222.

<sup>3</sup> K.S.A. 77-516(c)(8); K.S.A. 77-520.

<sup>4</sup> K.S.A. 77-516(c)(7).

telephone 785-271-3100. Any party who fails to attend or participate in the hearing or any other stage of this proceeding may be held in default under the KAPA.<sup>5</sup>

6. The Commission must conduct a public hearing to determine the necessity for and the reasonableness of the location of the proposed electric transmission line, and give those impacted by this proposed line an opportunity to present statements to the Commission.<sup>6</sup> The Commission's Director of Public Affairs and Consumer Protection consulted with Westar, who recommended one public hearing be held in this docket:

**Tuesday, March 24, 2015 – Beginning at 6:00 p.m.**

Wamego High School  
801 Lincoln Street  
Wamego, Kansas 66547

7. The Commission adopts the recommendation to conduct a public hearing. The first part of the public hearing, beginning at 6:00 p.m., consists of an informational session where representatives of Westar, Commission Staff, and any other intervenors will discuss the proposed route with members of the public. Following the informational session, and beginning no later than 7:00 p.m., the Commission will conduct a Public Hearing to receive comments from members of the public. Statements made by members of the public to the Commissioners during the Public Hearing will be recorded by a court reporter and transcribed. Testimony and written comments received from members of the public will be filed as part of the administrative record in this proceeding.

8. The Kansas Siting Act requires written notice of the time, place, and subject matter of the public hearing, along with a copy of the Application, be served by certified mail to landowners of interest, as defined in K.S.A. 66-1,178, not less than 20 days prior to the public

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<sup>5</sup> K.S.A. 77-516(c)(8); K.S.A. 77-520.

<sup>6</sup> K.S.A. 66-1,178.

hearing.<sup>7</sup> Additionally, notice of the time, place, and subject matter of the public hearing must be published in newspapers having general circulation in every county through which the electric transmission line is proposed to traverse, once each week for two consecutive weeks prior to the public hearing, the last publication to be not less than five days before such hearing date.<sup>8</sup> The affected counties are Riley and Pottawatomie Counties. Westar shall work with the Commission's Director of Public Affairs and Consumer Protection to obtain approval of the content of the notice, the timing of the publication, and the list of newspapers in which notice will be published. Any dispute regarding the notice to be given landowners or to be published in newspapers shall be brought to the attention of the Prehearing Officer. Westar shall file an affidavit by March 16, 2015, verifying the notice of the public hearing that has been given to landowners and by publication in newspapers as required.<sup>9</sup>

9. The Commission directs a public comment period begin immediately and encourages the public to submit written comments to the Commission's Office of Public Affairs and Consumer Protection (PACP Office) by email at [public.affairs@kcc.ks.gov](mailto:public.affairs@kcc.ks.gov). The public may also call the PACP Office at 1-800-662-0027. Written comments may be submitted to the Kansas Corporation Commission Office of Public Affairs and Consumer Protection, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. Notice to landowners and in newspapers about the public hearing will also inform the public of the opportunity to submit written or oral comments regarding this proceeding.

10. The public comment period begins immediately and will run until April 1, 2015. On April 3, 2015, the PACP Office will provide a report summarizing public comments received

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<sup>7</sup> K.S.A. 66-1,179.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

now through April 1, 2015. Any comments received by the PACP Office after April 1, 2015, shall be promptly provided to the Prehearing Officer and parties for review.

11. In reviewing the request for a siting permit, the Commission must determine the necessity and reasonableness of the location of the proposed electric transmission line. In reviewing requests under the Kansas Siting Act, the Commission takes into account many factors in determining whether the location of a proposed route is reasonable. The Commission emphasizes the importance of receiving comments from landowners and members of the public in dockets involving the siting of electric transmission lines. If a viable alternative route to the Company's proposed route is developed in response to public comments, the Company must provide notice to new landowners impacted by this alternative route. The Commission will work with the Company to ensure that newly impacted landowners have notice of the alternative route and have the opportunity to comment before a final decision is made on the siting permit. To that end, the Commission directs its PACP Office to work with the Company and other parties in this proceeding to provide access to public comments as they are received.

12. In addition, the Commission directs the Company and the PACP Office to make information concerning the proceeding more accessible to the public through the use of websites. The Commission directs these parties to include on their respective websites links and contact information to assist members of the public in easily identifying how to contact the PACP Office to submit public comments and to easily access filings made in this docket. To the extent practicable, parties are encouraged to include background information explaining this proceeding.

13. The Commission approves the use of electronic service of all testimony, briefs, and orders, without requiring provision of follow-up hard copies as required by K.A.R. 82-1-

216(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.<sup>10</sup> 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 [j.vanblaricum@kcc.ks.gov](mailto:j.vanblaricum@kcc.ks.gov).

**IT IS, THEREFORE, BY THE COMMISSION ORDERED:**

A. The Commission adopts the procedural schedule set forth in Paragraph 2 of this Order.

B. The Commission schedules a Prehearing Conference for April 28, 2015, beginning at 9:00 a.m., in the Third Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.

C. The Commission schedules an Evidentiary Hearing, beginning at 9:00 a.m. on May 6, 2015, and continuing as needed, in the First Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.

D. The Commission orders a Public Hearing to be held in Wamego, Kansas, on March 24, 2015. The Public Hearing will begin at 6:00 p.m. The Commission directs Westar to

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<sup>10</sup> K.A.R. 82-1-215(a).

provide notice of this proceeding and the Public Hearing to the public. The Commission orders notice to landowners and in newspapers about the Public Hearing to include information regarding the ability to submit comments to the Commission until April 1, 2015, by email, orally, or by mailing written comments. The Commission directs its PACP Office to file its report of the public comments received on April 3, 2015.

E. The Commission orders electronic service to be used in this proceeding, including this Order.

F. The parties have 15 days from the date this Order was electronically served in which to petition the Commission for reconsideration or review of any issues decided herein.<sup>11</sup>

G. 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.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner.

Dated: MAR 03 2015



Neysa Thomas  
Acting Secretary

**EMAILED**

JV

MAR 03 2015

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<sup>11</sup> K.S.A. 66-118b; K.S.A. 77-527; K.S.A. 77-529(a)(1).



MAR 03 2015

**CERTIFICATE OF SERVICE**

15-WSEE-365-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order Setting Procedural Schedule was served by electronic mail this 3rd day of March, 2015, to the following parties who have waived receipt of follow-up hard copies:

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Sheryl L. Sparks  
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**EMAILED**

MAR 03 2015