

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

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

In the Matter of the Application of Westar    )  
Energy, Inc. and Kansas Gas and Electric    ) Docket No. 18-WSEE-190-TAR  
Company for Approval of the Direct        )  
Renewable Participation Service Tariff       )

**FINAL ORDER APPROVING DRPS TARIFF**

NOW, 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:

**Brief Background**

1.        On June 26, 2018, the Commission issued an *Order Requiring Tariff Revisions for Final Approval and Additional Conditions* (Order) in this matter that adopted Staff's recommendation of authorizing Westar<sup>1</sup> to utilize the Direct Renewable Participation Service (DRPS) Tariff for the Soldier Creek Wind Farm project, but denied Westar's DRPS Tariff language in its proposed form, and ultimately required Westar to revise and refile its DRPS Tariff to align with Staff's recommendation.

2.        A full description of the DRPS program can be found in the Commission's Order. However, the DRPS program can briefly be described as a program wherein customers with average monthly peak demands exceeding 500 kW can enter into long term contracts for wind energy secured by Westar through purchased power agreements (PPAs) or Westar built wind

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<sup>1</sup>Westar Energy, Inc. (Westar) and Kansas Gas and Electric Company (KGE) (collectively referred to as "Westar").

farms. If the customer chooses to do so, the DRPS Tariff price is substituted for the Retail Energy Cost Adjustment (RECA) surcharge.

3. Staff recommended that Westar be allowed to administer the program, but only if the DRPS Tariff was revised to specifically reflect pricing for the Soldier Creek Wind Farm, which was the only project Staff reviewed. Furthermore, Staff clarified that if Westar wanted to utilize another wind resource under the DRPS Tariff, it would have to seek prior Commission approval. No parties objected to Staff's proposal and the Commission adopted the same in its Order.

4. Specifically, Westar was ordered to file a revised DRPS Tariff that aligned with Staff's recommendations within thirty (30) days. Westar was encouraged to work with Staff on developing the language. Staff was then to file a follow-up Report and Recommendation indicating its approval or denial. Further, the Commission ordered that Westar's Wind Generation Service (WGS) Tariff be deemed cancelled upon approval of the revised DRPS Tariff language.

#### **Joint Motion**

5. On June 28, 2018, Westar and Staff filed a *Joint Motion* (Joint Motion) seeking approval of revised DRPS Tariff language. The Joint Movants indicated that they had collaborated on developing the revised DRPS Tariff language, and filed the Joint Motion because Westar had a deadline of July 15, 2018, to finalize its contract with the Soldier Creek Wind Farm developer. The red-lined version of the DRPS Tariff was attached to the Joint Motion.

#### **Jurisdiction and Authority**

6. The Commission holds full power, authority and jurisdiction to supervise and control Westar as an electric public utility pursuant to K.S.A. 66-101. The Commission holds jurisdiction over Westar's rates and terms of service under K.S.A. 66-101b. All tariff revisions

requested by Westar pertaining to jurisdictional service must be approved by the Commission pursuant to K.S.A. 66-117.<sup>2</sup>

7. According to K.S.A. 66-101b, any rates charged by Westar must be just and reasonable. The rates may not be unreasonably discriminatory or unduly preferential.

**Findings and Conclusions**

8. Having reviewed the Joint Motion and revised DRPS Tariff, the Commission finds that the revised DRPS Tariff meets the requirements of its Order and should be approved.

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

A. The Revised DRPS Tariff attached to the Joint Motion filed June 28, 2018, is approved.

B. Should Westar desire to amend its DRPS Tariff to include additional wind resources and pricing, it shall file an Application with the Commission in a new docket.

C. Westar's WGS Tariff is cancelled.

D. 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).

E. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 07/10/2018 \_\_\_\_\_



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Lynn M. Retz  
Secretary to the Commission

MRN

<sup>2</sup>Tariffs are those terms and conditions which govern the relationship between the utility and its customers. Sw. Bell Tel. Co. v. State Corp. Comm'n of State of Kan., 233 Kan. 375, 377, 664 P.2d 798, 800 (1983).

**CERTIFICATE OF SERVICE**

18-WSEE-190-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 07/10/2018.

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