

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

Before Commissioners: Thomas E. Wright, Chairman  
Joseph F. Harkins  
Ward Loyd

In the Matter of the Petition of Westar ) Docket No. 11-WSEE-377-PRE  
Energy, Inc. And Kansas Gas and Electric )  
Company (collectively "Westar") for )  
Determination of the Ratemaking Principles )  
and Treatment that Will Apply to the )  
Recovery in Rates of the Cost to be Incurred )  
by Westar for Certain Power Purchase )  
Agreements under K.S.A. 2003 Supp. 66- )  
1239 )

**SUSPENSION ORDER**

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

1. On November 10, 2010, Westar Energy, Inc. (Westar North) and Kansas Gas and Electric Company (Westar South) (collectively, Westar), filed a petition (Petition) with the Commission for a predetermination, pursuant to K.S.A. 2009 Supp. 66-1239, of the ratemaking principles and treatment that will apply to the recovery in rates of the costs to be incurred by Westar pursuant to certain power purchase agreements (PPAs) for the purchase of wind energy.
2. The Commission has jurisdiction in this matter pursuant to K.S.A. 2009 Supp. 66-1239, K.S.A. 66-101, and K.S.A. 66-104.
3. On November 16, 2010, the Citizens' Utility Ratepayer Board (CURB) filed a Petition for Intervention and Motion for Protective Order. On November 19, 2010, the

Commission issued an Order Assessing Costs and an Order Designating Prehearing Officer and Setting Scheduling Conference.

4. Generally, pursuant to K.S.A. 66-117, a filing to increase rates of a public utility becomes effective 30 days after the filing of a petition with the Commission, unless the Commission takes action to deny, approve, or suspend the filing for up to 240 days. However, K.S.A. 2009 Supp. 66-1239 specifically provides that the ratemaking principles and treatment proposed by the public utility will be deemed to have been approved in the event the Commission fails to issue a determination on the petition within 180 days of the date a petition is filed.

5. Due to the nature of Westar's Petition, an investigation is necessary and a hearing before the Commissioners may be held. The investigation and issuance of a Commission determination on the Petition will reasonably require the full 180 days provided by the governing statute. An order suspending operation of the proposed rate making principles and treatment in Westar's Petition and deferral of the Petition's effective date is appropriate for purposes of clarity.

6. Accordingly, the Commission suspends the Petition and defers its effective date. The petition is suspended for 180 days from the date the petition was filed, November 10, 2010, until May 9, 2011, subject to further order or orders of the Commission.

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

A. The operation of Westar's Petition shall be suspended and the effective date deferred not more than 180 days from the date of the Petition, November 10, 2010, until May 9,

2011, subject to further order or orders of the Commission. K.S.A. 2009 Supp. 66-1239; K.S.A. 66-117.

B. Parties have 15 days from service of this order to file a petition for reconsideration of matters decided herein. K.S.A. 2009 Supp. 77-529(a)(1). If service is by mail, service is complete upon mailing and parties may have an additional 3 days to file any such petition.

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

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

Wright, Chmn; Harkins, Com.; Loyd, Com.

Dated: DEC 03 2010

**ORDERED MAILED**

DEC 03 2010

 EXECUTIVE  
DIRECTOR

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Susan K. Duffy  
Executive Director

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