

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

Before Commissioners: Mark Sievers, Chairman  
Thomas E. Wright  
Shari Feist Albrecht

In the Matter of Westar Energy, Inc. and )  
Kansas Gas and Electric Company Seeking ) Docket No. 14-WSEE-030-TAR  
Commission Approval for Tariff Revisions )  
to the Energy Efficiency Rider. )

**PREHEARING OFFICER ORDER DENYING CURB'S PETITION TO  
INTERVENE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. The Commission has designated Brian G. Fedotin, Advisory Counsel, to act as Prehearing Officer in this proceeding.<sup>1</sup> Having examined the files, the Prehearing Officer finds:

1. On July 11, 2013, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) filed an Application for approval of an Energy Efficiency Rider, which will permit recovery of costs associated with Westar's various energy efficiency programs.

2. On July 16, 2013, the Citizens' Utility Ratepayer Board (CURB) filed its Petition to Intervene, citing "[t]he representation of CURB's interests in this proceeding by existing parties is or may be inadequate."<sup>2</sup>

3. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice and will not impair the orderly and prompt conduct of the proceedings.<sup>3</sup> At

<sup>1</sup> Discovery and Protective Order; Order Designating Prehearing Officer, August 1, 2013, ¶ 20.

<sup>2</sup> Petition to Intervene, July 16, 2013, ¶ 6.

<sup>3</sup> K.S.A. 77-521(b); K.A.R. 82-1-225(b).

any time during a proceeding, the Commission may impose limitations on an intervenor's participation.<sup>4</sup>

4. In Docket No. 13-MKEE-447-MIS (447 Docket), the Commission clarified its standards for intervention:

Intervention in Commission proceedings is not automatic. In the future, the Commission will require petitions to include a more detailed demonstration of their interests and an explanation of why those interests are not properly represented by other parties. In keeping with the requirements of K.S.A. 77-521, prospective intervenors should provide docket-specific facts demonstrating their rights, duties, privileges, immunities, or other legal interests affected by the proceeding and the relief they seek from the Commission.<sup>5</sup> The Commission notes in proceedings with multiple parties asserting an attenuated or speculative nexus about the possible impact of a Commission decision on their interests can impair the orderly and prompt conduct of the proceedings and may not add materially to the record upon which the Commission must base its decisions.<sup>6</sup>

5. The Commission finds the simple recitation of boilerplate language in CURB's Petition to Intervene does not satisfy the standards for intervention announced in the 447 Docket. The Petition to Intervene does not demonstrate a particular interest that is not represented by the other parties affected by the proceeding or identify the specific relief sought by intervention. Accordingly, the Commission denies CURB's Petition to Intervene pursuant to K.S.A. 77-521(b).

6. If CURB elects to file a new Petition to Intervene, which includes a more detailed demonstration of their interests and explanation of why those interests are not properly represented by other parties and provides docket-specific facts demonstrating their rights, duties,

---

<sup>4</sup> K.S.A. 77-521(c).

<sup>5</sup> See K.S.A. 77-521(a)(2).

<sup>6</sup> Order on Jurisdiction and Standing, Docket No. 13-MKEE-447-MIS (Apr. 26, 2013), ¶ 9.

privileges, immunities, or other legal interests affected by the proceeding and the relief they seek from the Commission, the Commission will revisit the issue.

**WHEREFORE, THE PREHEARING OFFICER FINDS AND CONCLUDES:**

A. CURB's Petition to Intervene is denied, but the Commission will reconsider the issue upon receipt of a petition that complies with standards outlined in Docket No. 13-MKEE-447-MIS.

B. Parties have 15 days from the date of electronic service of this Order to petition the Commission for reconsideration.<sup>7</sup>

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

Dated: \_\_\_\_\_

8/15/13



Brian G. Fedotin  
Prehearing Officer

BGF

<sup>7</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

**AUG 15 2013**

14-WSEE-030-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Prehearing Officer Order Denying CURB's Petition to Intervene was served by electronic mail this 15th day of August, 2013, to the following parties who have waived receipt of follow-up hard copies:

NIKI CHRISTOPHER, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
n.christopher@curb.kansas.gov

C. STEVEN RARRICK, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
s.rarrick@curb.kansas.gov

DELLA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.smith@curb.kansas.gov

SHONDA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
sd.smith@curb.kansas.gov

DAVID SPRINGE, CONSUMER COUNSEL  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.springe@curb.kansas.gov

BRIAN G. FEDOTIN, ADVISORY COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3314  
b.fedotin@kcc.ks.gov

AMBER SMITH, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3167  
a.smith@kcc.ks.gov

JIM LUDWIG, VP REGULATORY  
KANSAS GAS & ELECTRIC CO.  
D/B/A WESTAR ENERGY  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
james.ludwig@westarenergy.com

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  
jeff.martin@westarenergy.com

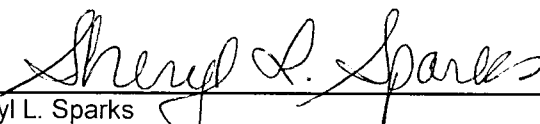
CINDY S. WILSON, DIRECTOR, RETAIL RATES  
WESTAR ENERGY, INC.  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
cindy.s.wilson@westarenergy.com

ORDER MAILED **AUG 15 2013**

AUG 15 2013

CERTIFICATE OF SERVICE

14-WSEE-030-TAR

  
\_\_\_\_\_  
Sheryl L. Sparks  
Administrative Specialist

ORDER MAILED AUG 15 2013