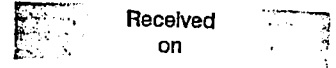


BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS



APR 30 2012

IN THE MATTER OF WESTAR ENERGY)
AND KANSAS GAS AND ELECTRIC)
COMPANY SEEKING COMMISSION)
APPROVAL TO IMPLEMENT CHANGES IN)
THEIR TRANSMISSION DELIVERY)
CHARGES RATE SCHEDULES.)
_____)

by
State Corporation Commission
of Kansas

DOCKET NO. 12-WSEE-651-TAR

PETITION FOR RECONSIDERATION

COMES NOW, Occidental Chemical Corporation ("OXY") and respectfully files this Petition for Reconsideration pursuant to K.S.A. 66-118b and K.S.A. 77-529 of the Order Denying Occidental Chemical Corporation's Protest and Motion to Dismiss issued by the Corporation Commission of the State of Kansas ("KCC" or "Commission") on April 11, 2012, in the above-referenced proceeding. Pursuant to K.S.A. 66-118b, OXY requests that the Commission grant reconsideration for the reasons set forth below:

1. On February 24, 2012, Westar Energy, Inc. ("Westar") and Kansas Gas and Electric Company ("KGE") (Westar and KGE, collectively "Westar") filed what it claimed to be updated Transmission Delivery Charge ("TDC") tariffs in the above-titled docket.
2. On March 21, 2012, OXY filed a Petition to Intervene and a Protest and Motion to Dismiss.
3. On March 21, 2012, the Commission issued a Suspension Order and Order Granting Temporary Waiver ("Suspension Order").
4. On April 11, 2012, the Commission issued an Order Denying Occidental Chemical Corporation's Protest and Motion to Dismiss ("Order").

5. In its Order, the Commission stated that the Suspension Order rendered moot the portion of OXY's Motion to Dismiss that contests allowing the proceeding to go forward under Staff's recommendation. The Commission further stated in its Order that, because the allocation is subject to refund and OXY will be allowed to fully participate in the docket, proceeding under Staff's recommendation will not result in irrevocable harm or prejudice to OXY, and OXY's concerns can be addressed without dismissing this case.

6. The Commission erred in denying OXY's Protest and Motion to Dismiss. Through its Suspension Order, the Commission improperly granted a waiver of Westar's existing approved tariff language without requiring Westar to follow the statutory process for amending its tariff. The Commission ordered Westar to allocate both the incremental increase in TDC costs and all pre-existing TDC costs using non-updated 12-CP amounts, which is contrary to the TDC tariff. As stated in OXY's April 6, 2012 Petition for Reconsideration, this action results in a fundamental tariff change in violation of K.S.A. 66-1237 and K.S.A. 66-117.

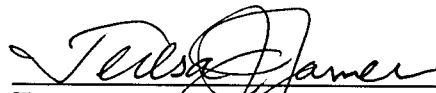
7. OXY and Westar's other customers are irrevocably harmed because they are being charged increased rates that are calculated in a manner that violates Westar's approved TDC tariff. Westar's TDC tariff provides that Westar shall use the 12-CP method based on current test-year load research.¹ Allowing Westar to charge rates pursuant to an invalid TDC application and using a methodology that conflicts with the approved TDC tariff results in customers being charged rates that are unlawful, which is not cured by the possibility of a refund. OXY appreciates the ability to participate in this

¹ See generally, Westar's Transmission Delivery Charge Tariff at Sheet 2.

proceeding, but its concerns are only fully addressed through dismissal of Westar's invalid TDC application.

WHEREFORE, OXY respectfully requests that the Commission grant its Petition for Reconsideration and grant such other relief as is just and proper.

Respectfully submitted,



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Attorneys for Occidental Chemical Corporation ("OXY")

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

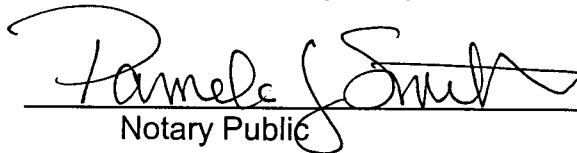
Teresa J. James, of lawful age, being first duly sworn, upon oath states:

That she is one of the attorneys for the intervener, Occidental Chemical Corporation ("OXY"), that she has read the above and foregoing Petition for Reconsideration, knows the contents thereof, and knows that all of the statements made therein are true.



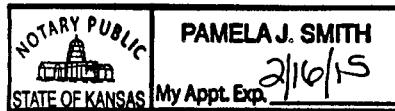
Teresa J. James

SUBSCRIBED AND SWORN to before me this 30th day of April, 2012.



Notary Public

My Appointment Expires:
2/16/15



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Reconsideration was sent via U.S. First Class mail on this 30th day of April, 2012, to:

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Also, on this 30th day of April, 2012, a copy of the foregoing Petition for Reconsideration was sent via email to:

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April 30, 2012

Patti Petersen-Klein
Executive Director
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, KS 66604

RE: Docket No. 12-WSEE-651-TAR
Our File No. 30938-0002
Petition for Reconsideration

Received
on

APR 30 2012

by
State Corporation Commission
of Kansas

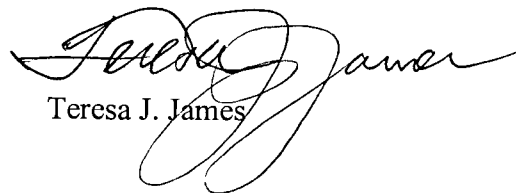
Dear Ms. Petersen-Klein:

Enclosed please find the original and seven copies of OXY Chemical Corporation's Petition for Reconsideration in the above referenced docket.

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

MARTIN, PRINGLE, OLIVER,
WALLACE & BAUER, L.L.P.



Teresa J. James

TJJ/pjs

Enclosures

cc: Service List
Tammy Cooper
Phillip Oldham
Stanford J. Smith