

**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 Kansas Gas)
and Electric Company for Approval of the) Docket No. 18-KG&E-303-CON
Amendment to the Energy Supply Agreement)
between Kansas Gas and Electric Company)
and Occidental Chemical Corporation)

SUSPENSION ORDER: SEPTEMBER 13, 2018

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:

1. On January 16, 2018, Kansas Gas and Electric Company, d/b/a Westar Energy (Westar) and Occidental Chemical Corporation (together as “Joint Applicants”) filed a Joint Application seeking Commission approval of a special contract for rates and terms to govern the relationship between the two parties. Westar is a jurisdictional electric public utility. Occidental Chemical Corporation is a customer of Westar. Although no specific statutory authority is cited by the Joint Applicants, the situation implicates the statutory deadlines imposed by K.S.A. 66-117.

2. K.S.A. 66-117(c) states in part: “The commission shall not delay the effective date of the proposed change in rate, joint rate, toll, charge or classification or schedule of charges, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, more than 240 days beyond the date the public utility or common carrier filed its application requesting the proposed change. If the commission does not suspend the proposed schedule within 30 days of the date the same is filed by the public utility or common carrier, such

proposed schedule shall be deemed approved by the commission and shall take effect on the proposed effective date.”

3. A full investigation of the proposed rates and terms in the special contract, which may result in a hearing, is deemed necessary and proper. Absent suspension, Commission Staff is without sufficient time to fully review, consider, and analyze whether the proposed rates and terms contained in the special contract should be approved.

4. The Commission finds and concludes that suspension of any potential effectiveness of the rates and/or terms proposed by the Joint Applicants is required to allow sufficient time for full investigation of this matter. The effective date of the rates and/or terms proposed shall be suspended for a period not to exceed 240 days from the date the Joint Application was made, January 16, 2018, until Thursday, September 13, 2018. A Commission decision may be issued before such date.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Any decision regarding the effectiveness of the rates and terms contained in the Joint Application and special contract shall be deferred until September 13, 2018. The Commission may issue a decision before such date.


B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

C. 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; Apple, Commissioner

Dated: **JAN 25 2018**



Lynn M. Retz
Secretary to the Commission

MRN

Order Mailed Date

JAN 26 2018

CERTIFICATE OF SERVICE

18-KG&E-303-CON

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **JAN 25 2018**.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

JAN 26 2018