

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Received
on

APR 24 2012

IN THE MATTER OF WESTAR ENERGY)
AND KANSAS GAS AND ELECTRIC)
COMPANY SEEKING COMMISSION)
APPROVAL TO IMPLEMENT CHANGES IN)
THEIR RENEWABLE ENERGY PROGRAM)
RIDER ADDING A SUSTAINABILITY)
PROGRAM OPTION FOR LARGE)
COMMERCIAL OR INDUSTRIAL)
CUSTOMERS)
_____)

by
State Corporation Commission
of Kansas

DOCKET NO. 12-WSEE-652-TAR

PETITION TO INTERVENE

COMES NOW, Occidental Chemical Corporation ("OXY") and respectfully requests full Intervention as a Party in this KCC Docket, and states to the State Corporation Commission of the State of Kansas ("KCC" or "Commission"), as follows:

1. On February 24, 2012, Westar Energy, Inc. ("Westar") and Kansas Gas and Electric Company ("KGE") (Westar and KGE, collectively "Westar") filed a proposed modification to their Renewable Energy Program Rider. This proposed modification adds a Sustainability Program Option for large commercial and industrial customers.

2. OXY, as a retail electric customer of Westar, has direct financial interests in Westar's proposed modifications to its Renewable Energy Program Rider tariff. As a retail customer of Westar, OXY is substantially affected by the outcome of this proceeding.

3. In its application, Westar proposes to adopt a Sustainability Program Option. This option would be available to customers taking service under the Medium General Service or High Load Factor rate schedules. This option would allow these

customers that elect to take a portion of their renewable energy under this program from available Company provided resources in five percent increments of their total energy usage. Additionally, the proposal gives Westar the discretion to reduce customers' renewable energy charge up to 30% under the tariff for obtaining certain LEED certifications or "based on the customer's commitment to sustainable energy incentives, plus the average load and energy use of the customer."

4. Westar states in its filing that "all of the Revenue from the sale of Renew [sic] energy blocks is flowed through to all customers through the Retail Energy Cost Adjustment Clause." However, Westar's application fails to also state that all of the costs from the procurement of renewable energy are flowed through to customers through the Retail Energy Cost Adjustment. Westar's proposed tariff modifications could require all of Westar's customers to subsidize the purchase of additional renewable energy to serve those customers electing to take a portion of their energy under the Sustainability Program Option. Westar's proposed tariff modifications could also require all of Westar's customers to subsidize the proposed renewable energy discount that Westar seeks to implement at its discretion.

5. Because of the potential rate implications to OXY that could result from the implementation of Westar's proposed tariff modification, OXY should be granted full intervention in this proceeding.

6. No party to this proceeding adequately represents OXY's interests.

7. OXY respectfully requests the right to fully intervene in this matter and to participate in all aspects of this KCC Docket, including but not limited to discovery, the filing of motions and other pleadings as may be appropriate herein, the right to present Oral Argument and to fully participate in any KCC Hearings in this Docket.

8. OXY requests service of all pleadings, orders, and other documents in the above-titled proceeding on the following listed individuals:

Teresa J. James #12194
MARTIN, PRINGLE, OLIVER,
WALLACE & BAUER, L.L.P.
6900 College Boulevard, Suite 700
Overland Park, KS 66211
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9. OXY has filed a Motion for Leave to Appear *Pro Hac Vice* for Phillip Oldham and Tammy Cooper in addition to this Petition to Intervene.

WHEREFORE, OXY respectfully requests that the Commission grant its Petition for Intervention herein, and that OXY be granted full intervention and all rights of a Party in this entitled KCC Docket, including but not limited to, the right to Discovery, the right

to file Pleadings, the right to present Oral Argument to the Commission, and the right to fully participate in any Hearing in the above-titled docket.

Respectfully submitted,



Teresa J. James #12194
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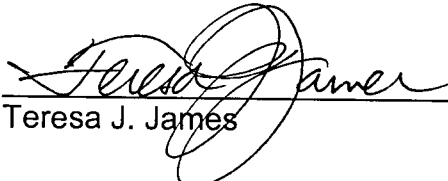
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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF KANSAS)


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

That he is one of the attorneys for the intervenor, Occidental Chemical Corporation ("OXY"), that he has read the above and foregoing Petition to Intervene, 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 24th day of April, 2012.

VIVIAN LEE HENRY
Notary Public - State of Kansas
My Appt. Expires 12-1-14


Notary Public

My Appointment Expires:
12-1-14

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition to Intervene was sent via U.S. First Class mail on this 24th day of April, 2012, to:

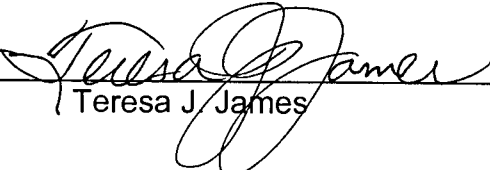
Holly Fisher, Attorney Kansas Corporation Commission 1500 SW Arrowhead Road Topeka, KS 66604-4027	Mike Lennen, VP Regulatory Kansas Gas & Electric Co. D/B/A Westar Energy 818 S Kansas Ave Po Box 889 Topeka, KS 66601-0889
Cathryn J. Dinges, Corporate Counsel Westar Energy, Inc. 818 S. Kansas Avenue P.O. Box 889 Topeka, KS 66601-0889 Fax: 785-575-8136 Cathy.dinges@westarenergy.com	Michael B. Heim, Sr. Regulatory Analyst Westar Energy, Inc. 818 S. Kansas Avenue P.O. Box 889 Topeka, KS 66601-0889 Michael.heim@westarenergy.com

Also, on this 24th day of April, 2012, a copy of the foregoing Petition to Intervene was sent via email to:

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