

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:                    Mark Sievers, Chairman  
    Ward Loyd  
    Thomas E. Wright

In the Matter of Westar Energy, Inc. and                    )  
Kansas Gas and Electric Company Seeking                    )  
Commission Approval to Implement                    ) Docket No. 12-WSEE-651-TAR  
Changes in their Transmission Delivery                    )  
Charges Rate Schedules                    )

**SUSPENSION ORDER AND ORDER GRANTING TEMPORARY WAIVER**

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 February 24, 2012, Westar Energy, Inc. filed its Application seeking Commission approval of its updated Transmission Delivery Charge (TDC) rates within its TDC tariff, pursuant to K.S.A. 66-1237.

2. In addition to updating its TDC rates, Westar's Application seeks Commission approval of revisions to its TDC tariff language. Some of the proposed revisions were approved by the Commission in Westar's last TDC update, Docket No. 11-WSEE-599-TAR. However, some of the proposed revisions have not been pre-approved by the Commission.

3. On March 15, 2012, Staff of the Commission (Staff) filed its Motion for a Suspension Order and an Order Granting Temporary Waiver (Staff Motion).

4. In support of its Motion, Staff stated that, pursuant to K.S.A. 66-1237, Westar may begin billing out the updated TDC rates to its retail customers on a subject-to-refund basis after submitting a report to the Commission at least 30 business days in advance.<sup>1</sup>

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<sup>1</sup> Staff Motion, ¶ 6.

5. Staff also stated that in the current docket, Westar “bootstrapped” a tariff change, subject to suspension and review under K.S.A. 66-117, to a transmission-related cost update which may go into effect upon 30-days notice, pursuant to K.S.A. 66-1237(c).<sup>2</sup>

6. Staff stated it is without sufficient time to make a proper investigation of the tariff revisions within the abbreviated timeframe for cost updates.<sup>3</sup>

7. With respect to the allocation of the TDC rates charged to Westar’s retail customers, Staff stated there are three options for allocation of those rates: (1) allocate the costs according to the current tariff language, which contemplates using new 12 coincident-peak (12-CP) data; (2) allocate the costs as proposed by Westar in its Application; or (3) maintain the current allocation on an interim basis.<sup>4</sup>

8. Staff recommended that the Commission adopt Option 3. Staff noted that under Option 3, the Commission could direct Westar to allocate the costs of both the current TDC amount and the increase based on the current allocation methodology, subject to refund and that this option would preserve the status quo.<sup>5</sup> Staff further recommended that the Commission grant a temporary waiver of the current tariff requirement to use updated 12-CP data until Staff has time to conduct a proper investigation.<sup>6</sup>

9. Staff also requested that the Commission suspend the effective date of Westar’s requested tariff revisions for 240 days pursuant to K.S.A. 66-117.<sup>7</sup>

10. Upon review of Staff’s Motion for a Suspension Order and an Order Granting Temporary Waiver, the Commission grants Staff’s requests.

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<sup>2</sup> Staff Motion, ¶ 8.

<sup>3</sup> Staff Motion, ¶ 11.

<sup>4</sup> Staff Motion, ¶ 9.

<sup>5</sup> Staff Motion, ¶ 12.

<sup>6</sup> Staff Motion, ¶ 13.

<sup>7</sup> Staff Motion, ¶ 14.

11. Westar is hereby granted a temporary waiver of the requirement to use updated 12-CP data, as provided in Westar's TDC tariff, and is directed to allocate the costs of both the current TDC amount and the increase based on the current allocation methodology. This allocation will be subject to refund upon completion of Staff's investigation and subsequent Commission order.

12. By allowing the rate to go into effect based on the current allocation methodology, the Commission is not limiting its authority to review the rate itself pursuant to K.S.A. 66-1237.

13. A full investigation of the Westar's requested tariff revisions, which may result in a hearing, is deemed necessary and proper. Commission Staff is without sufficient time to fully review, consider and analyze whether the proposed revisions are just and reasonable.

14. The Commission finds and concludes that suspension of Westar's requested tariff revisions and deferral of their effective date are required to allow sufficient time for a full investigation of this matter. Westar's request for tariff revisions should be suspended for a period of 240 days from the date the application was made, February 24, 2012, until Sunday, October 21, 2012, pursuant to K.S.A. 66-117(c). However, given the end of the 240-day suspension period falls on a weekend, the deadline for Commission Order in this matter is Monday, October 22, 2012.<sup>8</sup>

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

A. Staff's Motion for a Suspension Order and an Order Granting Temporary Waiver is hereby granted.

B. Westar is hereby granted a temporary waiver of the requirement to use updated 12-CP data, as provided in Westar's TDC tariff.

C. Westar shall allocate the costs of both the current TDC amount and increase based on the current allocation methodology on an interim basis until Staff has the opportunity to fully investigate Westar's proposed allocation methodology. This allocation will be subject to refund upon completion of Staff's investigation and subsequent Commission order.

D. Westar's request for tariff revisions is suspended for two hundred forty (240) days from the date of filing until October 22, 2012, as set forth above.


E. The parties have fifteen days, plus three days if service is by mail, from the date the order was served in which to petition the Commission for reconsideration of any issues decided herein.<sup>9</sup>

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

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

Sievers, Chmn.; Loyd, Com.; Wright, Com.

Dated: MAR 21 2012

  
ORDER MAILED MAR 22 2012  
Patrice Petersen-Klein  
Executive Director

HLF

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<sup>8</sup> K.S.A. 66-117(c); K.S.A. 2010 Supp. 77-503(c).

<sup>9</sup> K.S.A. 66-118b; K.S.A. 2010 Supp. 77-529.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
RAY BERGMEIER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
BRIAN FEDOTIN, ADVISORY COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
ANDREW SCHULTE, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
CATHRYN J. DINGES, CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVENUE PO BOX 889 TOPEKA, KS 66601-0889		
MICHAEL B. HEIM, SR. REGULATORY ANALYST WESTAR ENERGY, INC. 818 S KANSAS AVENUE PO BOX 889 TOPEKA, KS 66601-0889		
DICK F. ROHLFS, DIRECTOR, RETAIL RATES WESTAR ENERGY, INC. 818 S KANSAS AVENUE PO BOX 889 TOPEKA, KS 66601-0889		

ORDER MAILED **MAR 22 2012**

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.