

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Thomas E. Wright, Chairman
 Michael C. Moffet
 Joseph F. Harkins

In the Matter of Westar Energy, Inc., and Kansas Gas)
and Electric Company (KGE), d/b/a Westar Energy) Docket No. 09-WSEE-737-TAR
Seeking Commission Approval to Revise its)
Environmental Cost Recovery (ECRR) Tariff.)

ORDER NUNC PRO TUNC REGARDING ORDER APPROVING
REVISIONS TO WESTAR'S ECRR SURCHARGE
TARIFF AS RECOMMENDED BY STAFF

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the files and record, the Commission finds and concludes as follows:

1. On May 29, 2009, the Commission issued its Order Approving Revisions to Westar's ECRR Surcharge Tariff as Recommended by Staff. Since filing that Order, the Commission has identified a typographical error that was made quoting language from Staff's Report and Recommendation filed April 23, 2009. The Commission quoted Staff's recommendation in the May 29, 2009 Order, ¶ 17, with the error underlined, as follows:

Staff recommends that the Commission approve the collection of Westar's ECRR surcharge amounts, as revised by Staff. Staff recommends that Westar North be allowed to collect \$225,063,238 and Westar South be allowed to collect \$7,389,942 – per the rates and charges described in the Rate Design section above with the following conditions:

1. Westar shall file revised ECRR tariffs reflecting the new rates and charges prior to billing the new ECRR rates on June 1, 2009.
2. Staff will insure that the true-up of actual ECRR revenue collected versus intended ECRR surcharge amounts will be reflected in future years' ECRR surcharge filings in accordance with the methodology described above.

2. The underlined number should be "\$25,063,238." The Commission used the correct number when stating that it approved "Westar's proposal to collect its ECRR surcharge for 2008 environmental projects and costs as recommended by Staff. Based upon this conclusion

Westar will be allowed to collect **\$25,063,238** for Westar North and \$7,389,942 for Westar South pursuant to the rates and charges described in the Rate Design section of Staff's Memorandum." May 29, 2009 Order, ¶ 20 (emphasis added). The Commission orders correction of the May 29, 2009 Order, ¶ 17, to state the correct number of \$25,063,238 in quoting Staff's recommendation. The remainder of the May 29, 2009 Order is unchanged.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The May 29, 2009 Order, ¶ 17, is corrected to state the correct number of \$25,063,238, as explained above.

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

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn; Moffet, Com.; Harkins, Com.

Dated: JUN 08 2009

ORDERED MAILED

JUN 09 2009

 EXECUTIVE
DIRECTOR

Susan K. Duffy
Executive Director

mjc