

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the Matter of the Application of Westar)
Energy, Inc. and Kansas Gas and Electric) Docket No. 17-WSEE-147-RTS
Company for Approval to Make Certain Changes)
in Their Charges for Electric Service.)

**ORDER GRANTING PETITION TO INTERVENE
OF UNIFIED SCHOOL DISTRICT #259 SEDGWICK COUNTY, KANSAS**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

I. Background

1. On October 26, 2016, Westar Energy, Inc. and Kansas Gas and Electric Company (collectively, Westar), filed a Joint Application pursuant to K.S.A. 66-117 and K.A.R. 82-1-231(b)(3)(A) to make an “abbreviated filing” when filing within 12 months of the Commission’s order in a prior rate case.¹ The Joint Application was filed to update rates to include capital costs incurred by Westar related to environmental projects at La Cygne approved by the Commission in Docket No. 11-KCPE-581-PRE; update rates to reflect the capital costs related to the projects at Wolf Creek described in the Direct Testimony of John Bridson filed in Docket 15-WSEE-115-RTS (115 Docket); update rates to reflect costs associated with the investment in grid resiliency projects as discussed in the Stipulation and Agreement accepted by the Commission in the 115 Docket; and update rates to incorporate the final roll-in of environmental costs incurred in 2015

¹ 17-WSEE-147-RTS, Joint Application, Oct. 26 2016.

previously noticed by Westar to the Commission and which would have been recovered through the Environmental Cost Recovery Rider (ECRR).²

2. On October 27, 2016, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene and Motion for Protective Order and Discovery Order.³

3. On November 3, 2016, a Suspension Order was filed deferring the effective date of the rates and/or terms proposed until June 23, 2017.⁴

4. On November 10, 2016, Unified School District #259 Sedgwick County, Kansas (USD #259) filed a Petition to Intervene. USD #259 stated that it is the largest school district in the State of Kansas and takes all of its electric service from Westar, approximately 93,300,000 kilowatt hours in the last fiscal year.⁵ USD #259 further affirmed that the electric rates paid and services received by it will be substantially impacted by any order entered by the Commission in the docket.

5. USD #259 stated that no other customer taking electric service under the public schools rate class has intervened in this case and therefore no other party can adequately represent the interests of USD #259 in these proceedings.⁶

6. There have been no objections to the Petition to Intervene of USD #259.

II. Legal Standard

7. The Commission must grant intervention if a petition is submitted in writing to all named parties at least three days before the hearing;⁷ the petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be

² *Id.*, ¶ 2.

³ 17-WSEE-147-RTS, CURB'S Petition to Intervene and Motion for Protective Order and Discovery Order, Oct. 27, 2016.

⁴ 17-WSEE-147-RTS, Suspension Order, Nov. 3, 2016.

⁵ 17-WSEE-147-RTS, Petition to Intervene, Nov. 10, 2016, ¶ 3.

⁶ *Id.*, ¶ 4.

⁷ K.S.A. 77-521(a)(1).

substantially affected by the proceeding;⁸ and the presiding officer determines that the interest of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.⁹ Additionally, the Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, and if the intervention will not impair the orderly and prompt conduct of the proceedings.¹⁰ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.¹¹

III. Findings and Conclusions

8. The Commission finds that USD #259 has adequately demonstrated that their intervention is in the interest of justice. The Commission finds that USD #259's participation will not impair the orderly and prompt conduct of the proceeding. Therefore, the Commission at this time will grant intervention to USD #259 in the interest of justice as the Commission desires to create a complete and thorough evidentiary record from which to make a decision.

9. The Commission concludes that USD #259 has met the requirements of K.S.A. 77-521 and should be granted intervention in this docket as provided herein. USD #259 will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered as follows:

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⁸ K.S.A. 77-521(a)(2).

⁹ K.S.A. 77-521(a)(3).

¹⁰ K.S.A. 77-521(b).

¹¹ K.S.A. 77-521(c).

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THEREFORE, THE COMMISSION ORDERS:

- A. The Petition to Intervene of Unified School District #259 Sedgwick County, Kansas, is granted.
- B. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.¹²
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 22 2016



Amy L. Green
Secretary to the Commission

SF/sc

EMAILED

NOV 22 2016

¹² K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

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I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of Electronic Service on NOV 22 2016.

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NOV 22 2016