

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

In the Matter of the Application of Midwest)
Power Company for a Certificate of Public)
Convenience and Necessity to Transact the)
Business of a Public Utility in the State of Kansas.) Docket No. 19-MPCE-064-COC

MOTION FOR LEAVE TO FILE TESTIMONY OUT OF TIME

COMES NOW Westar Energy, Inc. and Kansas Gas and Electric Company (collectively “Westar”) and move the State Corporation Commission of the State of Kansas (“Commission”) for an order allowing Westar to file its direct testimony in the above-captioned docket after the currently established deadline in the event the Commission were to deny Westar’s Motion requesting a restart of the 180-day clock. In support of its motion, Westar states as follows:

1. On November 5, 2018, Westar filed its Motion for Order Requiring Refiling of Application and Supporting Testimony and Restarting 180-Day Clock. In that Motion, Westar explained that Midwest Power Company (“MPC”) had taken a new position in response to discovery requests – not received by Westar until November 1, 2018 – that constituted a material and fundamental change to its application. Therefore, Westar requested that the Commission issue an order requiring MWP to refile its application and supporting testimony, explaining how it meets the Commission’s standards for a certificate of convenience and necessity given the change in position, and restarting the 180-day clock for the docket.

2. Currently, the deadline for Staff and Intervenor testimony in this docket is November 9, 2018. If the Commission approves Westar’s motion to restart the 180-day clock, these deadlines will be adjusted to allow Staff and Intervenors sufficient time to investigate and respond to MWP’s new position as articulated in the refiled application and testimony. However,

in the event the Commission ultimately denies Westar's motion to restart the clock, Westar requests leave of the Commission to file its direct testimony after the current deadline of November 9, 2018.

WHEREFORE, Westar respectfully requests that the Commission issue an order allowing Westar to file its direct testimony in the above-captioned docket after the currently established deadline in the event the Commission were to deny Westar's Motion requesting a restart of the 180-day clock, and for such further and other relief as may be appropriate.

Respectfully submitted,

/s/Cathryn J. Dinges

Cathryn J. Dinges, (#20848)

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**ATTORNEY FOR WESTAR ENERGY, INC. AND
KANSAS GAS AND ELECTRIC COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed, this 9th day of November, 2018, to all counsel of record.

/s/ Cathryn J. Dinges