

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of Westar Energy, Inc. and)
Kansas Gas and Electric Company Seeking)
Commission Approval to Implement) Docket No. 19-WSEE-327-TAR
Changes in their Transmission Delivery)
Charges Rate Schedules.)

ORDER GRANTING INTERVENTION TO KIC

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:

1. On February 15, 2019, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) filed to update its Transmission Delivery Charge (TDC) tariff to recover costs associated with Westar's transmission of electric power.¹ The updated TDC filing will shift the allocation of the revenue requirement among the customer classes due to the new 12 CP allocation factors agreed to and approved in the Stipulation and Agreement entered into in Westar's most recent general rate case, Docket No. 18-WSEE-328-RTS.²

2. On February 26, 2019, CCPS Transportation, LLC (CCPS); Cargill, Incorporated (Cargill); and the Kansas Industrial Consumers Group, Inc. (KIC) each filed Petitions to Intervene.

3. On March 8, 2019, KIC filed a Notice of Entities Participating through KIC, identifying CCPS, Cargill, Occidental Chemical Corporation, Spirit AeroSystems, Inc., and

¹ Tariff for Westar Energy and Kansas Gas and Electric for 2019 Transmission Delivery Charge, (TDC Application), Feb. 15, 2019.

² *Id.*

Associated Purchasing Services, Inc.³ KIC explained that each of the entities participating through KIC are either a direct retail customer of Westar or represents the interests of Westar retail customers.⁴

4. Also on March 8, 2019, CCPS and Cargill each withdrew their respective Petitions to Intervene, explaining their intent to participate in this Docket through KIC, rather than intervene individually.⁵

5. On March 8, 2019, Staff filed its Reply to the Kansas Industrial Consumers Group, Inc.'s Petition for Intervention, explaining it does not oppose KIC's intervention, and believes Westar's TDC should go into effect subject to refund while the parties explore rate design considerations.⁶

6. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties and privileges, immunities, or other legal interests may be substantially affected by the proceeding.⁷ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.⁸

7. The Commission finds and concludes KIC has met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this Docket. KIC will be added to

³ Notice of Entities Participating through KIC, Mar. 8, 2019, ¶ 2.

⁴ *Id.*

⁵ Withdrawal of Petition to Intervene of CCPS Transportation, LLC, March 8, 2019; Withdrawal of Petition to Intervene of Cargill, March 8, 2019.

⁶ Staff's Reply to the Kansas Industrial Consumers Group, Inc.'s Petition for Intervention, March 8, 2019, p. 5.

⁷ K.S.A. 77-521; K.A.R. 82-1-225.

⁸ K.S.A. 77-521(c).

the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to counsel of record and its designees as follows:

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THEREFORE, THE COMMISSION ORDERS:

- A. KIC is granted intervention.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁹
- C. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 03/19/2019



Lynn M. Retz
Secretary to the Commission

BGF

⁹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

19-WSEE-327-TAR

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 03/19/2019.

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CERTIFICATE OF SERVICE

19-WSEE-327-TAR

/S/ DeeAnn Shupe
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