

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

In the Matter of the Application of Westar)
Energy, Inc. and Kansas Gas and Electric)
Company for Approval of Revisions to Their) Docket No. 14-WSEE-148-TAR
General Terms and Conditions to Implement)
an Optional Prepay Service Pilot Program.)

RESPONSE TO CURB'S MOTION TO DISMISS APPLICATION

The Staff of the State Corporation Commission of the State of Kansas (Staff) submits its response to the Citizens' Utility Ratepayer Board's (CURB) Motion to Dismiss Application. In support of its response, Staff states as follows:

1. On October 1, 2013, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) filed an application seeking Commission approval for tariff revisions to its General Terms and Conditions to implement an optional prepay service pilot program (Application). In its Application, Westar requested the Commission act on the Application within 90 days.¹

2. On October 15, 2013, the Commission issued a Suspension Order deferring the effective date of Westar's Application until May 29, 2014. In its order, the Commission noted Staff would strive to complete its Report and Recommendation by January 6, 2014.²

3. During its investigation, Staff noted several deficiencies in Westar's Application, requiring Staff to request additional information by way of testimony in support of Westar's Application. On December 11, 2013, Staff, Westar and CURB met to discuss the missing components of Westar's Application, and the parties verbally agreed that Westar would file testimony in support of its Application on January 9, 2014. At this meeting, Staff provided

¹ Application, ¶7.

² Suspension Order, ¶3.

Westar with a list of specific issues to be addressed to facilitate Staff's investigation. Further, the parties discussed a procedural schedule for the remainder of the proceedings in this docket. Westar subsequently indicated that it no longer supported a full procedural schedule, as previously agreed upon on December 11, 2013.

4. On January 6, 2014, CURB filed its Motion to Dismiss Application (Motion) based on a general lack of supporting information contained in Westar's Application. In its Motion, CURB requested the Commission dismiss Westar's Application in its entirety, and cited a list of questions not addressed by Westar's Application.³

5. Staff echoes CURB's concerns that significant policy considerations are implicated by Westar's proposed pilot program and the Application, as filed, does not provide adequate information supporting the proposed pilot program as reasonable and in the public interest. Staff further agrees that requiring Staff to evaluate the pilot program and submit its analysis and recommendation via traditional Report and Recommendation essentially requires Staff to develop Westar's case-in-chief. Therefore, Staff asserts that testimony in support of Westar's Application, addressing the concerns as previously presented to Westar and identified in CURB's Motion, is necessary to facilitate Staff's investigation and analysis.

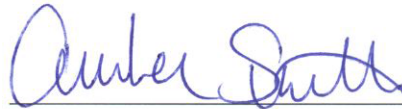
6. To date, Staff has performed a significant amount of work in investigating Westar's Application; however, the list of unanswered questions in CURB's Motion correctly indicates that much work remains in this investigation. In light of the amount of time spent requesting additional information from Westar as questions arise, then waiting on those responses, only to have those responses give rise to additional questions, Staff would not oppose CURB's Motion and would support the dismissal of Westar's Application with instructions to

³ Motion to Dismiss Application, ¶¶7-8.

refile and include testimony more fully explaining the proposed pilot program, at which time a full procedural schedule be developed.

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission issue an order dismissing Westar's Application, and instructing Westar to refile its Application for proposed pilot program with supporting testimony.

Respectfully Submitted,



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VERIFICATION

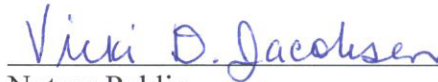
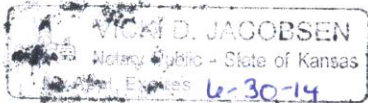
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Amber Smith, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Response to CURB's Motion to Dismiss Application* and attests that the statements therein are true to the best of her knowledge, information and belief.



Amber Smith, S. Ct. #23911
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 8th day of January, 2014.



Notary Public

My Appointment Expires: June 30, 2014

CERTIFICATE OF SERVICE

14-WSEE-148-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing docket was served via electronic service this 8th day of January, 2014, to the following:

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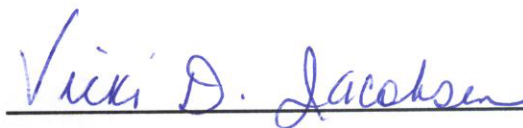
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CERTIFICATE OF SERVICE

14-WSEE-148-TAR

Vicki Jacobsen