

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of Westar Energy, Inc. and Kansas)
Gas and Electric Company Seeking Commission) Docket No. 16-WSEE-375-TAR
Approval to Implement Changes in their)
Transmission Delivery Charges Rate Schedules)

In the Matter of Westar Energy, Inc. and Kansas)
Gas and Electric Company Seeking Commission) Docket No. 17-WSEE-377-TAR
Approval to Implement Changes in their)
Transmission Delivery Charges Rate Schedules)

**MOTION FOR ADDITIONAL TIME TO RESPOND
TO STAFF'S REPORT AND RECOMMENDATION**

Holly Frontier El Dorado Refining LLC ("Holly Frontier") files this motion requesting additional time to respond to the Report and Recommendation filed by the Staff of the Kansas Corporation Commission ("Staff") in the above-captioned dockets on September 26, 2017. In support of its Motion, Holly Frontier states as follows:

1. On February 15, 2016, Westar Energy, Inc. ("Westar") filed a request to implement changes to its Transmission Delivery Charge ("TDC") tariff in Docket No. 16-WSEE-375-TAR (the "2016 TDC Docket").

2. The TDC is a pass-through of the Federal Energy Regulatory Commission ("FERC") approved transmission costs. It is not part of a general rate proceeding and is considered separately from base rates of Westar, as established by the Commission for Westar's retail electric rates.

3. In conformance with the Westar TDC tariff, the 2016 TDC filing used the baseload research sample from Westar's 2014 test year to generate a 12-CP allocator for transmission costs. This was the data used to generate Westar's 12-CP allocator in its most recent rate case.

4. Holly Frontier filed a Petition to Intervene on March 15, 2016, in the 2016 TDC

Docket. Holly Frontier was granted Intervention in the 2016 TDC Docket on March 29, 2016.

5. Pursuant to the statutory deadlines in K.S.A. 66-1237, the KCC approved Westar's 2016 TDC "on a subject to refund basis" on March 31, 2016. However, the Commission noted that KCC Staff would continue its investigation of the 2016 TDC.

6. On August 2, 2016, KCC Staff filed a Report and Recommendation on August 2, 2016 ("R&R"), wherein Staff questioned the methodology used by Westar to generate its 12-CP allocator. Staff recommended Westar be permitted to continue collecting its 2016 TDC as filed, subject to refund "until a third-party consultant is able to investigate the load research sample used to generate the 12-CP allocator and evaluate whether further action is needed."

7. Westar objected to such action as proposed by Staff, but the Commission adopted Staff's recommendations on November 8, 2016. In its Order, the Commission found "the TDC tariff does not preclude Staff from conducting further analysis of the 12-CP allocators." The Commission concluded "it is in the public's interest to continue to allow Westar's updated TDC rate schedules to be collected on a subject to refund basis while the above described investigation occurs."

8. On February 15, 2017, Westar filed its 2017 TDC with the Commission in Docket No. 17-WSEE-377-TAR ("2017 TDC Docket").

9. On September 26, 2017, Staff filed a motion to consolidate the 2016 TDC Docket and the 2017 TDC Docket.

10. On September 26, 2017, Staff also filed a new Report and Recommendation ("2017 R&R") based on the findings of its consultant.¹ In its 2017 R&R, Staff recommends a "corrected"

¹Staff's Consultant is George McCollister of Bates White, LLC. The consultant's report is dated September 18, 2017. It only became publicly available on September 26, 2017, as an attachment to Staff's R&R.

12-CP allocator generated by its consultant and recalculates Westar's TDC for the years 2016 and 2017.

11. The "new" 12-CP allocator is based on the historical 2014 load research sample, but purportedly "corrects" several alleged sampling biases, producing a new allocator.

12. The new allocator assigns significantly less cost to residential customers and much more to high load factor customer classes, contract customers, and schools.

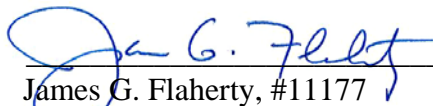
13. Staff proposed to increase the rates for special contract customers, which includes Holly Frontier, in the amount of \$455,477.

14. Holly Frontier is requesting additional time to respond to Staff's 2017 R&R and the recommendations contained therein. Holly Frontier has not had sufficient time to review the work conducted by Mr. McCollister on behalf of Staff, nor sufficient time to conduct discovery with respect to Mr. McCollister's analysis and conclusions regarding Westar's 12-CP load research sample and allocator. Holly Frontier requests it be allowed until December 15, 2017, to conduct discovery and prepare and file a response to Staff's 2017 R&R and to request in that response, if necessary, a hearing in this matter and the right to cross examine Mr. McCollister and other parties regarding Staff's analysis and conclusions included in Staff's 2017 R&R.

15. Because the TDC rates continue to be collected subject to refund, Holly Frontier's request for additional time to respond to Staff's 2017 R&R is not detrimental to Westar or the other parties to these dockets. However, if Holly Frontier's motion is not granted, it will not have had a reasonable opportunity to be heard in this docket with respect to Staff's 2017 R&R.²

²*Suburban Medical Center v. Olathe Community Hospital*, 226 Kan. 320, 330, 597 P. 2d 654 (1979).

WHEREFORE, for the reasons set forth herein, Holly Frontier respectfully requests that its motion be granted.



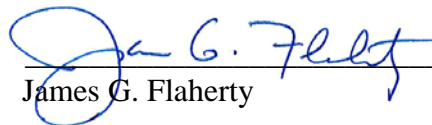
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Attorneys for Holly Frontier El Dorado Refining LLC

VERIFICATION

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being first duly sworn on oath, states that he is the attorney for Holly Frontier El Dorado Refining LLC; that he has read the forgoing Motion for Additional Time to Respond to Staff's Report and Recommendation; and the statements contained therein are true.



James G. Flaherty

SUBSCRIBED AND SWORN to before me this 9th day of October 2017.



Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via U.S. Mail, postage prepaid, hand-delivery, or electronically, this 9th day of October, 2017, addressed to:

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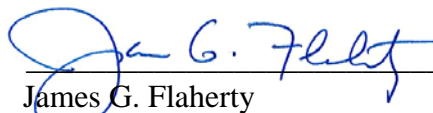
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