

**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 the General Investigation into)
the Operations of Westar Energy, Inc.)
Regarding an Accident that Occurred due to a) Docket No. 19-WSEE-441-GIE
Steam Release at the Jeffrey Energy Center on)
June 3, 2018, in St. Mary's, Kansas.)

ORDER OPENING GENERAL INVESTIGATION DOCKET

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION AND BACKGROUND

1. The Commission is given full power, authority and jurisdiction to supervise and control electric public utilities, as defined in K.S.A. 66-101a, doing business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.¹ “[A]ll incidental powers necessary to carry into effect the provisions of [the Electric Public Utilities Act, K.S.A. 66-101 *et seq.*] are expressly granted to and conferred upon the commission.”²

2. K.S.A. 66-101h provides the Commission with general supervision over electric public utilities in Kansas. The Commission is obligated to examine and inspect the condition of

¹ K.S.A. 66-101; K.S.A. 66-101a; K.S.A. 66-104.

² K.S.A. 66-101g.

each electric public utility, its equipment, the manner of its conduct and its management with reference to the public safety and convenience.³

3. Commission Staff (Staff) submitted a Report and Recommendation (R&R) dated April 17, 2019, recommending the Commission open a general investigation in the operations of Westar Energy, Inc. (Westar) regarding an accident that occurred due to a steam release at the Jeffrey Energy Center on June 3, 2018, in St. Mary's, Kansas. Staff's R&R is attached hereto and herein incorporated by reference.⁴

4. Staff explained in its R&R that opening a general investigation docket will allow Staff to track costs associated with its investigation, report its findings to the Commission, and allow the Commission to rule on any matters pertaining to the investigation. Staff notes the primary objective of its investigation will be to determine the root cause of the accident and recommend any actions to be taken by Westar to minimize the possibility of recurrence of a similar accident.

II. FINDINGS AND CONCLUSIONS

5. The Commission finds and concludes Staff's recommendation in its April 17, 2019 R&R to be reasonable and adopts the same. Accordingly, the Commission finds and concludes a general investigation docket shall be opened to permit Staff to conduct its investigation as appropriate.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. A general investigation into the operations of Westar regarding an accident that occurred due to a steam release at the Jeffrey Energy Center on June 3, 2018, in St. Mary's Kansas is hereby opened.

³ K.S.A. 66-101h.

⁴ Report and Recommendation (Apr. 17, 2019) (R&R).

B. Westar Energy, Inc. is hereby made a party to this proceeding and must enter an appearance no later than thirty (30) days from the date of this Order.

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/30/2019



Lynn M. Retz
Secretary to the Commission

AS

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Dwight D. Keen
Commissioner Shari Feist Albrecht
Commissioner Jay Scott Emler

FROM: Leo Haynos, Chief Engineer
Jeff McClanahan, Director of Utilities

DATE: April 17, 2019

SUBJECT: Recommendation to Open a General Investigation into the Operations of Westar Energy, Inc. Regarding an Accident that Occurred due to a Steam Release at the Jeffrey Energy Center on June 3, 2018, in St. Mary's, Kansas

RECOMMENDATION:

On June 3, 2018, a superheated steam release occurred in the steam drum room of Jeffrey Energy Center (JEC) Unit 3 during a routine startup of the facility. Two Westar Energy (Westar) employees were exposed to the superheated steam, which caused severe burns and subsequent death of the employees. K.S.A. 66-101h¹ obliges the Commission to inspect the condition of an electric public utility's equipment, manner of its conduct, and management with respect to public safety.

In order to fully investigate the cause of the accident, Staff recommends the Commission open a General Investigation into the above captioned matter. The proposed Docket will allow Staff to track costs associated with this investigation, report its findings to the Commission, and allow the Commission to rule on any matters pertaining to the investigation. A primary objective of the investigation will be to determine the root cause of the accident and recommend any actions to be taken by Westar to minimize the possibility of recurrence of a similar accident.

¹ 66-101h. General supervision and inspection of utilities; damage liability. The commission shall have general supervision of all electric public utilities doing business in this state and shall inquire into any neglect or violations of the laws of this state by any electric public utility or by the officers, agents or employees thereof. From time to time, the commission shall carefully examine and inspect the condition of each electric public utility, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Nothing in this section shall be construed as relieving any electric public utility from its responsibility or liability for damage to person or property.

CERTIFICATE OF SERVICE

19-WSEE-441-GIE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 04/30/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe