THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Mark Sievers, C Ward Loyd Thomas E. Wri		
In the Matter of the Application Energy, Inc. for Approval of an Authority Order to record and related to Westar Energy's Sm	n Accounting defer costs)	Docket No. 11-WSEE-610-ACT
Project.)	

ORDER GRANTING PETITION FOR INTERVENTION

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 makes the following findings and conclusions:

- On March 2, 2011, Westar Energy, Inc. (Westar) filed an Application to defer certain expenses related to the development and deployment of a smart grid in Lawrence, Kansas.
- 2. On March 8, 2011, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene seeking a Commission Order permitting CURB leave to intervene as a party in this matter. In its petition, CURB states that it has discretion, under K.S.A. 66-1223, et seq., to intervene and represent the interests of Kansas residential and small commercial ratepayers in any utility proceeding before the Commission. Petition to Intervene, March 6, 2011, ¶ 2 (Petition, ¶ 2). CURB claims the rates paid and service received by the customers it represents will or may be affected by a Commission order or activity in this proceeding. (Petition, ¶ 4).

- 3. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(a)(3); K.A.R. 82-1-225. At any time during a proceeding, the Commission may impose limitations on an intervener's participation. K.S.A. 77-521(c).
- 4. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and should be granted intervention. CURB will be added to the mailing list; service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

David Springe # 15619 Niki Christopher # 19311 C. Steven Rarrick #13127 Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, KS 66604 (785) 271-3200 (785) 271-3116 (fax)

5. In addition to the counsel of record for CURB listed above, service of electronic pleadings, communications, and correspondence should be delivered to CURB's other designees:

Shonda Smith, Office Manager Della Smith, Administrative Specialist Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, KS 66604

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Citizens' Utility Ratepayer Board's Petition to Intervene is granted, subject to limits set forth in this Order.

- B. Counsel of record for the petitioner and its other designees shall receive service of all pleadings in this matter, as set forth above.
- C. A party may file a petition for reconsideration of this order within fifteen (15) days of the service of this order. If this order is mailed, service is complete upon mailing, and three (3) days may be added to the above time frame. K.S.A. 66-118b; K.S.A. 2010 Supp. 77529.
- D. The Commission retains jurisdiction of the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

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Dated: _____ JUL 0 1 2011

ORDER MAILED JUL 0 1 2011

Patrice Petersen-Klein Executive Director

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PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NO. CERT. COPIES NO. PLAIN COPIES

NAME AND ADDRESS

NIKI CHRISTOPHER, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***

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MATTHEW SPURGIN, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***

ORDER MAILED JUL 0 1 2011

The Docket Room hereby certified that on this ____day of _______, 20 ______, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NO. CERT. COPIES NO. PLAIN COPIES

NAME AND ADDRESS

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CATHRYN J. DINGES, CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVENUE PO BOX 889 TOPEKA, KS 66601-0889

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