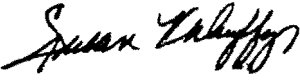


BEFORE THE STATE CORPORATION COMMISSION ~~STATE CORPORATION COMMISSION~~
OF THE STATE OF KANSAS

SEP 22 2010

In the Matter of the Applications of Westar)
Energy, Inc. and Kansas Gas and Electric)
Company (both doing business as Westar)
Energy) Filing Tariff Revisions Seeking)
Approval for an Energy Efficiency Rider)
Pursuant to the Commission's Order Dated)
November 18, 2008 in Docket No. 08-)
GIMX-441-GIE)



Docket No. 11-WSEE-032-TAR

**RESPONSE OF WESTAR ENERGY, INC. AND KANSAS GAS AND ELECTRIC
COMPANY TO COMMENTS ON ENERGY EFFICIENCY RIDER**

COME NOW Westar Energy, Inc. and Kansas Gas and Electric Company (collectively referred to as "Westar") and file their response to the comments filed by Commission Staff and the Citizens' Utility Ratepayer Board (CURB) in this matter. Westar states as follows:

I. Response to Comments by Commission Staff

Westar generally supports the comments made by Commission Staff regarding Westar's Energy Efficiency Cost Recovery Rider (EER). Westar, however, would like to clarify one statement made by Staff in its comments. On page 4 in its "Recommendation," Staff states that it recommends approval of Westar's revised EER with Westar filing "its next EER on or before July 1, 2011, to include costs for Commission-approved programs from the first billing cycle of October 2011 through the last billing cycle in September 2012." Westar's proposed EER included a filing date of mid-July rather than July 1 of each year. Use of a mid-July filing date is necessary if actual costs from the month of June are to be included in the EER. Westar does not have actual results for the month of June until approximately July 10 and needs time after receipt of the information to develop its filing. Westar therefore requests that the Commission approve its revised EER with a yearly filing date of mid-July rather than July 1 as proposed by Staff.

II. Response to Comments by CURB

CURB's comments question whether Westar has adequately demonstrated the benefits associated with the WattSaver Air Conditioner Cycling Program (WattSaver program) and Energy Efficiency Demand Response Program (Demand Response Rider) given the costs of those programs. CURB attempts to expand the scope of this docket to address issues previously decided by the Commission in the dockets approving these programs – the benefit-cost analysis for the programs – and issues that will be address in the future – Evaluation, Measurement, and Verification (EM&V) of the programs. CURB ignores the real issue in this docket, which is the recovery of costs incurred by Westar for energy efficiency programs previously approved by the Commission.

For example, with respect to the WattSaver program, CURB states that “it is unclear whether the WattSaver program’s performance is meeting the expectations or assumptions that were made in the docket approving the WattSaver program . . .” CURB Comments, p. 4. The question of whether a program approved by the Commission is meeting expectations is a question of EM&V.

With respect to the Demand Response Rider, CURB questions whether the program’s cost can be justified when compared to the benefits received by customers as a whole. This benefit-cost analysis was conducted by Westar and Commission Staff in the docket where the Commission approved the Demand Response Rider. This cost-recovery docket is not the appropriate place to rehash such questions.

Westar has done initial EM&V for the WattSaver program before the program was expanded but has not conducted final EM&V for either program. Westar has been waiting for the results of the generic docket currently pending before the Commission regarding EM&V –

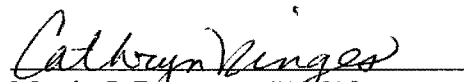
Docket No. 10-GIMX-013-GIV – before proceeding with further evaluation. In this docket, however, the Commission is addressing the question of cost recovery for costs already incurred to implement and manage energy efficiency programs approved by the Commission and is not addressing EM&V of the programs.

III. Conclusion

Westar respectfully requests that the Commission approve its EER, as modified by Commission Staff and Westar above.

Respectfully submitted,

WESTAR ENERGY, INC.
KANSAS GAS AND ELECTRIC COMPANY



Martin J. Bregman, #12618

Executive Director, Law

Cathryn J. Dinges, #20848

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VERIFICATION

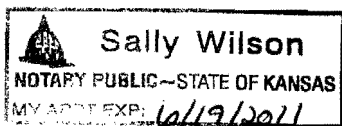
STATE OF KANSAS)
)
COUNTY OF SHAWNEE) ss:

Cathryn J. Dinges, being duly sworn upon her oath deposes and says that she is the attorney for Westar Energy, Inc. and Kansas Gas and Electric Company; that she is familiar with the foregoing **Response**; and that the statements therein are true and correct to the best of her knowledge and belief.

Cathryn Dinges

Cathryn J. Dinges

SUBSCRIBED AND SWORN to before me this 22nd day of September, 2010.



Sally Wilson

Notary Public

My Appointment Expires: 6/19/2011

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2010, the original and eight copies foregoing **Response** were delivered to:

Susan K. Duffy
Executive Director
KANSAS CORPORATION COMMISSION
1500 SW Arrowhead
Topeka, Kansas 66604

and that one copy was delivered to:

and that one copy was mailed to:

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Cathryn J. Dinges



CATHRYN J. DINGES
Corporate Counsel

September 22, 2010

Susan K. Duffy
Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604

STATE CORPORATION COMMISSION

SEP 22 2010

Re: In the Matter of the Applications of Westar Energy, Inc. and Kansas Gas and Electric Company (both doing business as Westar Energy) Filing Tariff Revisions Seeking Approval for an Energy Efficiency Rider Pursuant to the Commission's Order Dated November 18, 2008 in Docket No. 08-GIMX-441-GIE; Docket No. 11-WSEE-032-TAR

Dear Ms. Duffy;

Enclosed for filing please find the original and eight (8) copies of the **Response of Westar Energy, Inc. and Kansas Gas and Electric Company to Comments on Energy Efficiency Rider.**

Please file stamp one copy for my files.

Thank you for your assistance.

Sincerely,

Cathryn J. Dinges

slw
enc.