

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

Before Commissioners:     Dwight D. Keen, Chair  
                                     Shari Feist Albrecht  
                                     Susan K. Duffy

In the Matter of the Application of Westar Energy,     )  
Inc. and Kansas Gas and Electric Company     )     Docket No. 18-WSEE-493-TAR  
Seeking Commission Approval for the Proposed     )  
Changes to its Net Metering Rider.                     )

**ORDER ADOPTING STAFF'S REPORT AND RECOMMENDATION**

This matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings and conclusions:

**I. BACKGROUND**

1. On May 11, 2018, Westar Energy, Inc. and Kansas Gas and Electric Company ("Westar") filed an Application requesting approval for the proposed changes to Westar's Net Metering Rider tariff.<sup>1</sup>

2. On December 12, 2018, Staff filed a Report and Recommendation ("R&R") recommending the Commission deny the proposed tariff but allow Staff to work with Westar to modify the Application to address eight recommendations contained in Staff's original R&R.<sup>2</sup>

3. On December 13, 2018, Westar and Staff (collectively "Joint Movants") filed a Joint Motion to extend the suspension period in this docket (set to expire January 7, 2019) by sixty (60).<sup>3</sup> The Commission approved the Joint Movants' Motion to extend the suspension period.<sup>4</sup>

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<sup>1</sup> Westar Energy, Inc. and Kansas Gas and Electric Company Application to Make Tariff Changes to Net Metering Rider (May 11, 2018).

<sup>2</sup> Notice of Filing of Staff Report and Recommendation (Dec. 12, 2018) (Initial R&R).

<sup>3</sup> Joint Motion for Extension of Suspension Period (Dec. 13, 2018).

<sup>4</sup> Order Granting Joint Motion for Extension of Suspension Period (Dec. 20, 2018).

4. On February 18, 2019, the Joint Movants requested a waiver of the suspension period, stating that waiving the suspension period would aid in facilitating a resolution of this matter.<sup>5</sup> On February 28, 2019, the Commission concluded that pursuant to K.S.A. 66-117(c)(3), Kansas law permits waiver of the suspension period as requested and approved the Joint Movants' Motion.<sup>6</sup>

5. On May 9, 2019, Westar filed a Revised Application for approval of a modified Net Metering Rider tariff.<sup>7</sup>

6. On June 24, 2019, Staff filed a Report and Recommendation recommending the Commission approve Westar's Revised Application.<sup>8</sup>

## II. ANALYSIS

7. Westar is seeking to update its Net Metering Rider tariff and Interconnection Application.<sup>9</sup> Initially, Staff identified areas of Westar's Interconnection Rider Tariff and Interconnection Application that could be improved.<sup>10</sup> Staff and Westar agreed removing the Interconnection Application from Westar's Net Metering Rider tariff would provide Westar flexibility with the interconnection process, and further align Westar's Net Metering Rider tariff with Westar's Parallel Generation Rider tariff.<sup>11</sup>

8. Staff's initial review of Westar's Application resulted in Staff recommending Westar resubmit its Application addressing eight specific items.<sup>12</sup> After further discussions with

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<sup>5</sup> Joint Motion for Waiver of Suspension Period (Feb. 18, 2019).

<sup>6</sup> Order Granting Waiver of Suspension Period (Feb. 28, 2019).

<sup>7</sup> Westar Energy, Inc. and Kansas Gas and Electric Company Revised Application to Make Tariff Changes to Net Metering Rider (May 9, 2019).

<sup>8</sup> Notice of Filing of Staff Report and Recommendation (June 24, 2019) (Second R&R).

<sup>9</sup> *See id.* at p. 2.

<sup>10</sup> *See id.*

<sup>11</sup> *See id.*

<sup>12</sup> *See* Initial R&R, pp. 4-5.

Staff, Westar filed a Revised Application. Staff notes Westar's Revised Application addresses seven of the eight specific items Staff identified.<sup>13</sup>

9. Through discovery, Staff reviewed the method Westar was using to determine the maximum kilowatt ("kW") rating of a renewable energy resource.<sup>14</sup> "Regarding the eighth recommendation in Staff's [Initial] R&R, Staff and Westar were unable to reach an agreement regarding the point at which the kW limits of the system are calculated – namely the DC capability of the solar panels or the AC rating of the inverter(s)."<sup>15</sup> However, Staff noted this issue was limited to circumstances when installed solar installations approached the maximum capacity limits allowed by K.S.A. 66-1267 and was unnecessary to specifically address at this time.<sup>16</sup> In total, Staff found Westar's Revised Application provided a better explanation of information required from customers, as well as a more complete listing of expectations between the customer and utility<sup>17</sup>

10. Staff recommended the Commission approve Westar's Revised Application.<sup>18</sup>

### **III. FINDINGS AND CONCLUSIONS**

11. Pursuant to K.S.A. 66-101, 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. Pursuant to K.S.A. 66-101a, electric public utility means any public utility that generates or sells electricity. The Commission finds and concludes Westar is a public utility subject to the jurisdiction of the Commission. Pursuant to K.S.A. 66-101b, every

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<sup>13</sup> See Second R&R, p. 2.

<sup>14</sup> See *id.*

<sup>15</sup> *Id.* at p. 3.

<sup>16</sup> See *id.*

<sup>17</sup> See *id.*

<sup>18</sup> See *id.*

electric public utility is required to provide reasonably efficient and sufficient service with just and reasonable rates, classifications, and regulations.

12. The Commission has reviewed the Revised Application under the requirements found in K.S.A. 66-1267, K.S.A. 66-1268, and K.A.R. 82-17-3. The Commission finds Westar's Revised Application continues to make net metering available to customer-generators as required by K.S.A. 66-1265. The Commission finds Westar's Revised Application utilizes minimum-bills or demand charges which were approved in Westar's last base rate proceeding. Accordingly, the Commission finds Westar's Revised Application properly incorporates charges approved during an appropriate rate proceeding. Moreover, the Commission finds utilizing this docket to incorporate these charges into Westar's Net Metering Rider is appropriate. The Commission finds Westar's calculation and crediting of electricity supplied by a customer-generator satisfies K.S.A. 66-1266. The Commission finds Westar's Revised Application appropriately incorporates maximum net metering kilowatt allowances and load sizing requirements detailed in K.S.A. 66-1267. Finally, the Commission finds the terms and conditions contained within Westar's Revised Application meet the minimum requirements set by K.A.R. 82-17-3. Accordingly, the Commission finds and concludes Westar's Revised Application satisfies Kansas' net metering requirements.

13. After review of Westar's Revised Application and Staff's Report and Recommendation, the Commission finds approval of such is appropriate. Accordingly, the Commission hereby adopts and incorporates by reference into this order the recommendations contained within Staff's June 24, 2019, Report and Recommendation. The Commission finds Westar's Revised Application shall be approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**


- A. The Commission hereby adopts Staff's Report and Recommendation.
- B. Westar's Revised Application filed May 9, 2019, is hereby approved.
- C. Parties have 15 days, plus three days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration or request a hearing, as provided in K.S.A. 77-542.
- D. If no party files a petition for reconsideration or requests a hearing within the appropriate period the docket will be closed.
- E. The Commission retains jurisdiction over the subject matter and the 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; Duffy, Commissioner

Dated: 08/06/2019 \_\_\_\_\_

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Lynn M. Retz  
Executive Director

## CERTIFICATE OF SERVICE

18-WSEE-493-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
08/06/2019  
electronic service on \_\_\_\_\_.

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