

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

Before Commissioners: Thomas E. Wright, Chairman
 Joseph F. Harkins
 Ward Loyd

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

**ORDER GRANTING INTERVENTION FOR
THE CITIZENS' UTILITY RATEPAYER BOARD**

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:

1. On July 16, 2010, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) filed a tariff revision seeking approval from the Commission of an energy-efficiency rider to permit recovery of costs associated with Westar's energy-efficiency programs. The energy-efficiency rider was filed in compliance with the Commission's Order in Docket No. 08-GIMX-441-GIE, and Westar notes that it is designed to recover costs associated with Commission-approved energy-efficiency and demand-response programs deferred, but not recovered, from the inception of the individual programs through June 30, 2010.

2. On July 21, 2010, 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, July 21, 2010, ¶ 2 (Petition, ¶ 2). CURB claims that 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, Kansas 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, Officer Manager
Della Smith, Administrative Specialist
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, Kansas 66604

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Citizens' Utility Ratepayer Board is granted intervention in the above-captioned proceeding. Counsel of record for the petitioner and its other designees shall receive service of all pleadings in this matter, as set forth above.

B. Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2009 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and 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.

Wright, Chairman; Harkins, Commissioner; Ward, Commissioner

Dated: **AUG 20 2010**

ORDERED MAILED

AUG 20 2010

 **EXECUTIVE
DIRECTOR**

Susan K. Duffy
Executive Director

mrd