

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

STATE CORPORATION COMMISSION

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffet
Joseph F. Harkins

MAY 05 2009

 Docket Room

In the Matter of Westar Energy, Inc. and)
Kansas Gas and Electric Company (KEG)) Docket No. 09-WSEE-737-TAR
d/b/a Westar Energy Seeking Commission)
Approval to Revise its Environmental Cost)
Recovery (ECRR) Tariff.)

CURB'S MOTION FOR EXTENSION OF TIME TO FILE COMMENTS

The Citizens' Utility Ratepayer Board (CURB) moves for an extension of time to file comments in the above-captioned docket.

Westar filed its initial application with the Commission to revise its Environmental Cost Recovery Rider (ECRR) on March 17, 2009. CURB petitioned to intervene on March 24, 2009, and the Commission granted intervention on April 1, 2009. During discovery, the Commission Staff identified several errors in Westar's filing, and filed a memorandum with the Commission on April 23, 2009, recommending approval of Westar's application with several modifications. In response to issues raised by Staff's memorandum, CURB filed nondisclosure certificates with the Commission on April 23 and 27, 2009, the latest not more than two business days after receiving the memorandum.

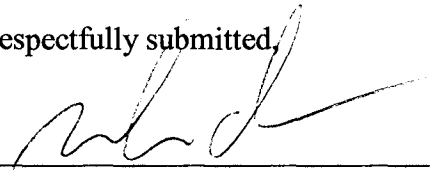
CURB issued discovery requests to Westar on April 27—again, not more than two business days after receiving Staff's memorandum. The responses are due May 11. The deadline for CURB's responsive comments as established for ECRR filings in Docket No. 07-WSEE-978-TAR is May 15. Assuming Westar's responses are timely (and not mailed via U.S. Mail), CURB

will have only four days to review the responses and prepare comments. If mailed, there will be less than four days to do so.

Given the errors identified by Staff, and given the magnitude of the surcharges that will impact customers—almost \$26 million for Westar North customers and almost \$8 million for Westar South customers, if Westar’s full request is granted—ensuring that consumers are afforded adequate opportunity to review discovery responses and comment on Staff’s recommendations is merited. A brief five-day extension of the deadline for comments need not delay final resolution of this docket, and even if it does, such a brief delay is not unreasonable given the millions of dollars at stake.

Thus, CURB requests a brief extension of the deadline for comments to May 22, 2009, allowing an additional five business days to file comments.

Respectfully submitted,



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Niki Christopher #19311
C. Steven Rarrick #13127
Citizens’ Utility Ratepayer Board
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VERIFICATION

STATE OF KANSAS)
)
 COUNTY OF SHAWNEE)

ss:


I, Niki Christopher, of lawful age, being first duly sworn upon her oath states:

That she is an attorney for the Citizens’ Utility Ratepayer Board; that she has read the above, and foregoing document and upon information and belief, states that the matters therein appearing are true and correct.

Niki Christopher

 Niki Christopher

SUBSCRIBED AND SWORN to before me this 5th day of May, 2009.

 <p>DELLA J. SMITH Notary Public - State of Kansas My Appt. Expires January 26, 2013</p>
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Della J. Smith

 Notary of Public

My Commission expires: 01-26-2013.

CERTIFICATE OF SERVICE

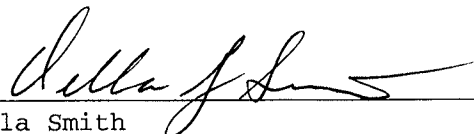
09-WSEE-737-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, e-mailed, or hand-delivered this 5th day of May, 2009, to the following:

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Della Smith