

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

Before Commissioners: Mark Sievers, Chairman
Thomas E. Wright
Shari Feist Albrecht

In the Matter of the Application of Westar)
Energy, Inc. for a Siting Permit for the) Docket No. 13-WSEE-676-MIS
Construction of a 345 kV Transmission Line)
in Saline and Ottawa Counties, Kansas.)

ORDER SETTING PROCEDURAL SCHEDULE

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised in the premises, the Commission finds and concludes as follows:

1. On May 3, 2013, Westar Energy, Inc. (Westar), filed an Application for a siting permit granting them the right to construct a 345 kV transmission line from Westar's Summit Substation to an interconnection point near Justice Road in Ottawa County, Kansas.¹ The Commission has jurisdiction over Westar's Application for a siting permit.² Under the Kansas Siting Act, the Commission has 120 days from the date the Application is filed to issue its final Order.³

2. On May 3, 2013, Westar filed its Motion for Procedural Schedule. In its Motion, Westar includes a proposed schedule which Commission Staff has agreed to.⁴ After review and consideration of the parties' recommended schedule, the Commission adopts the following procedural schedule:

¹ Application, May 3, 2013, ¶ 1.

² K.S.A. 66-1,177, *et seq.*

³ K.S.A. 66-1,178(d).

⁴ Motion for Procedural Schedule, May 3, 2013, ¶¶ 2-3.

<u>Date</u>	<u>Time</u>	<u>Event</u>
May 3, 2013		Application Filed
May 16, 2013		Westar Mails Notice to Landowners
May 17-May 31, 2013		Westar Gives Publication Notice
May 31, 2013	3:00 p.m.	Staff & Intervenor Direct Testimony Due
June 3, 2013	3:00 p.m.	Westar Files Affidavit of Notice
June 5, 2013	6:00 p.m.	Public Hearing – Salina, Kansas (Details Below)
June 14, 2013		Public Comment Period Ends
June 18, 2013		PACP Files Report of Public Comments
June 21, 2013	3:00 p.m.	Westar Rebuttal to Staff/Intervenor Testimony
June 28, 2013	3:00 p.m.	Westar Responsive Testimony to Public Comments
July 2, 2013	3:00 p.m.	Staff & Intervenor Responsive Testimony to Public Comments
July 12, 2013	3:00 p.m.	Westar Rebuttal Testimony to Public Comments

July 24, 2013	9:30 a.m.	Prehearing Conference First Floor Hearing Room, Commission Offices 1500 SW Arrowhead Road Topeka, KS 66604
July 24, 2013	3:00 p.m.	Prehearing Motion & Discovery Cutoff; List of Disputed Issues Due
August 7, 2013	9:00 a.m.	Evidentiary Hearing First Floor Hearing Room, Commission Offices 1500 SW Arrowhead Road Topeka, KS 66604
August 14, 2013	3:00 p.m.	Simultaneous Initial Briefs
August 21, 2013	3:00 p.m.	Simultaneous Responsive Briefs
September 3, 2013		Final Order Due

3. The Commission must conduct a public hearing to determine the necessity for and the reasonableness of the location of the proposed electric transmission line. A public hearing will also afford those impacted by this proposed line an opportunity to inquire of the parties and to present statements to the Commission.⁵ The Prehearing Officer consulted with the Commission's Director of Public Affairs and Consumer Protection (PACP), who recommended one public hearing be held in this docket in Salina, Kansas. The Commission adopts PACP's recommendation that the public hearing be held at the following time and place:

⁵ K.S.A. 66-1,178.

Wednesday, June 5, 2013 - 6:00 p.m.
Salina Bicentennial Center - NW Heritage Hall
800 The Midway
Salina, Kansas 67401

4. The first part of the public hearing, beginning at 6:00 p.m., consists of a question-and-answer session where representatives of Westar, Commission Staff, CURB, and any other intervenors will discuss the proposed route with members of the public. Following the question-and-answer session, and beginning no later than 7:00 p.m., the Commission will conduct a public hearing to receive comments from members of the public. Statements made by members of the public to the Commissioners during the public hearing will be recorded by a court reporter and transcribed. Testimony and written comments received from members of the public will be filed as part of the administrative record in this proceeding.

5. The Kansas Siting Act requires written notice of the time, place, and subject matter of the public hearing, along with a copy of the Application, be served by certified mail to landowners of interest, as defined in K.S.A. 66-1,178, not less than 20 days prior to the public hearing.⁶ Additionally, notice of the time, place, and subject matter of the public hearing must be published in newspapers having general circulation in every county through which the electric transmission line is proposed to traverse, once each week for two consecutive weeks prior to the public hearing, the last publication to be not less than five days before such hearing date.⁷ The affected Kansas counties are Cloud and Ottawa Counties. Westar shall work with the Commission's Director of Public Affairs and Consumer Protection to obtain approval of the content of the notice, the timing of the publication, and the list of newspapers in which notice

⁶ K.S.A. 66-1,179.

⁷ K.S.A. 66-1,179.

will be published. Any dispute regarding the notice to be given landowners or to be published in newspapers shall be brought to the attention of the Prehearing Officer. Westar shall file an affidavit by June 3, 2013, verifying the notice of the public hearing that has been given to landowners and by publication in newspapers as required.⁸

6. The Commission directs a public comment period begin immediately and encourages the public to submit written comments to the Commission's Office of Public Affairs and Consumer Protection (PACP Office) by email at public.affairs@kcc.ks.gov. The public may also call the PACP Office at 1-800-662-0027. Written comments may be submitted to the Kansas Corporation Commission Office of Public Affairs and Consumer Protection, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. Notice to landowners and in newspapers about the public hearing will also inform the public of the opportunity to submit written or oral comments regarding this proceeding.

7. The public comment period begins immediately and will run until June 14, 2013. On June 18, 2013, the PACP Office will provide a report summarizing public comments received now through June 14, 2013. Any comments received by the PACP Office after June 14, 2013, shall be promptly provided to the Prehearing Officer and parties for review.

8. In reviewing the request for a siting permit, the Commission must determine the necessity and reasonableness of the location of the proposed electric transmission line. In reviewing requests under the Kansas Siting Act, the Commission takes into account many factors in determining whether the location of a proposed route is reasonable. The Commission emphasizes the importance of receiving comments from landowners and members of the public in dockets involving the siting of electric transmission lines. If a viable alternative route to

⁸ K.S.A. 66-1,179.

Westar's proposed route is developed in response to public comments, Westar must provide notice to new landowners impacted by this alternative route. The Commission will work with Westar to ensure that newly impacted landowners have notice of the alternative route and have the opportunity to comment before a final decision is made on the siting permit. To that end, the Commission directs its PACP Office to work with Westar and other parties in this proceeding to provide access to public comments as they are received.

9. In addition, the Commission directs Westar and the PACP Office to make information concerning the proceeding more accessible to the public through use of websites. The Commission directs these parties to include on their respective websites links and contact information to assist members of the public in easily identifying how to contact the PACP Office to submit public comments and to easily access filings made in this docket. To the extent practicable, parties are encouraged to include background information explaining this proceeding.

10. **Designation of Prehearing Officer.** Although the Commission will conduct any evidentiary hearing in this docket, the Commission designates a Prehearing Officer to conduct any prehearing conferences that might be needed in this proceeding and to address any matters that are appropriately considered in a prehearing conference, including all items listed in the Kansas Administrative Procedure Act (KAPA) at K.S.A. 77-517(b). These items include, for example, conversion of the proceeding to another type; exploration of settlement possibilities; clarification of issues; rulings on identity and limitation of the number of witnesses; objections to proffers of evidence; determination of the extent to which direct evidence, rebuttal evidence or cross-examination will be presented in written form, and the extent to which telephone or other electronic means will be used as a substitute for proceedings in person; order of presentation of

evidence and cross-examination; discovery orders and protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing.

11. The Commission concludes a Prehearing Officer should be designated for this proceeding and designates Andrew French, Advisory Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604-4027, telephone number 785-271-3361, email address a.french@kcc.ks.gov, to act as Prehearing Officer in this proceeding.⁹ The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

12. **Official Service List/Electronic Service.** The parties have agreed to use electronic service of all testimony, briefs, other pleadings, and orders without requiring provision of follow-up hard copies as required by K.A.R. 82-1-216(a)(6). Confidential papers will be served either electronically, if confidentiality can be maintained, or by some other secure method, such as providing information on compact disc. Testimony, briefs, and other pleadings must be served electronically by **3:00 p.m.** on the date due, without requiring service among the parties of a follow-up hard copy. However, the original and at least seven paper copies of testimony, briefs, and other pleadings must still be filed in the Commission's docket room by close of business on the date of the deadline. K.A.R. 82-1-215(a). Any electronic service of Commission or Prehearing Officer's orders without follow-up hard copies will specifically state in the electronic message serving the order that the electronic message constitutes service of the attached order and that a hard copy will not follow. Parties are directed to maintain accurate, current lists of electronic service email addresses based on information contained within the Commission's orders. Electronic service of testimony, briefs, and other pleadings shall include service on Prehearing Officer French at a.french@kcc.ks.gov.

⁹ K.S.A. 77-516; K.S.A. 2012 Supp. 77-551(c).

13. Orders issued by the Commission or by the Prehearing Officer will only be served upon parties who have sought through counsel to be added to the official electronic service list, either by means of a formal petition to intervene, a formal entry of appearance, or a formal letter request filed in the docket addressed and directed to the Prehearing Officer. All parties should serve all documents according to the same official electronic service list.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

- A. The Commission adopts the procedural schedule set forth in paragraph 2.
- B. The Commission designates Andrew French to serve as Prehearing Officer, as set forth in paragraph 11.
- C. The Commission approves of electronic service in this proceeding, as set forth in paragraphs 12 and 13.
- D. The parties have 15 days from the date of electronic service of this Order to petition the Commission for reconsideration.¹⁰
- E. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chairman; Wright, Commissioner; Albrecht, Commissioner

Dated: MAY 08 2013



ORDER MAILED MAY 08 2013

Patrice Petersen-Klein
Executive Director

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¹⁰ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

MAY 08 2013

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I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order Granting Westar's Motion for Procedural Schedule was served by electronic mail this 8th day of May, 2013, to the following parties who have waived receipt of follow-up hard copies:

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Sheryl L. Sparks
Administrative Specialist

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