

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

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Pat Apple

In the Matter of the Complaint Against Westar Energy by Jami Riehm) Docket No. 15-WSEE-211-COM

In the Matter of the Complaint Against) Docket No. 15-KCPE-265-COM
KCP&L by Denen Roberts)

ORDER CONSOLIDATING DOCKETS

I. BACKGROUND

1. On December 12, 2014 Jami Riehm filed an Amended Complaint against Westar Energy, Inc. (Westar), arguing that Westar's use of smart meters are: (1) causing health problems and noise pollution in violation of Westar's tariff's, and (2) willfully and wantonly causing health problems from radiation emitting from said meters.

2. On January 23, 2015, Denen Roberts filed an Amended Complaint against Kansas City Power and Light Company (KCP&L), arguing that KCP&L's smart meters are emitting radiation that is harmful to her, and the public's health.

3. On February 17, 2015 Commission Staff (Staff) filed its Motion to Consolidate Docket No. 15-WSEE-211-COM (211 Docket) and Docket No. 15-KCPE-265-COM (265 Docket). In its Motion, Staff stated that because the issues presented in the 211 Docket and the 265 Docket are rooted in substantially similar subject matter, that the dockets should be consolidated.

4. Staff also advanced that consolidating the 211 Docket and the 265 Docket would maximize the efficient use of Commission resources.

II. FINDINGS AND CONCLUSIONS

5. Pursuant to K.A.R. 82-1-224, the Commission may, for good cause shown, join any proceeding with another proceeding. Likewise, two or more dockets may be consolidated by the Commission if the Commission deems it to be in the public interest to do so.

6. In the instant case, the Commission finds that the individual Complainants allege substantially similar complaints against two distinct utilities. Because the respective dockets will require common findings of fact related to the safety of what are commonly referred to as "smart meters," the agency's administrative efficiency for all parties involved will be enhanced by consolidation of the complaints.

7. While the Commission finds that consolidation of the 211 Docket and the 265 Docket is merited, the Commission reserves the right to rule upon each Complainant's allegations both individually and separately as they were filed. Nothing in this consolidation of dockets is to be inferred as limiting the Commissions jurisdiction or authority to review and rule upon an alleged violation listed in a complaint.

THEREFORE, THE COMMISSION ORDERS:

A. Docket No. 15-WSEE-211-COM and Docket No. 15-KCPE-265-COM are hereby consolidated into one proceeding.

B. The parties have 15 days, plus three days if service of this Order is by mail, to petition the Commission for reconsideration.¹

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: MAR 19 2015



ORDER MAILED MAR 20 2015

Neysa Thomas
Acting Secretary

REV/tc

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
DENESE M. ROBERTS 8915 CHEROKEE LANE LEAWOOD, KS 66206		
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JEFFREY L. MARTIN, VICE PRESIDENT, REGULATORY AFFAIRS WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889		

ORDER MAILED MAR 20 2015

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.