

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

In the Matter of the Joint Application of Westar)
Energy, Inc. and Kansas Gas and Electric) Docket No. 18-WSEE-328-RTS
Company for Approval to Make Certain Changes)
in Their Charges for Electric Service)

**RESPONSE TO MOTION FOR LEAVE TO FILE TESTIMONY OUT OF TIME OF
WESTAR ENERGY, INC. AND KANSAS GAS AND ELECTRIC COMPANY**

COME NOW Westar Energy, Inc. and Kansas Gas and Electric Company (collectively, “Westar”) and file their Response to the Motion for Leave to File Testimony Out of Time filed by the Kansas State Board of Regents. In support of its Response, Westar states:

1. On February 1, 2018, Westar filed an application seeking authority to change its rates for retail electric service to its Kansas customers. On March 8, 2018, the Commission issued its Order Setting Procedural Schedule in the docket. In that Order, the Commission indicated that Staff’s and Intervenor’s Direct Testimony was due on June 11, 2018. Westar’s rebuttal testimony was initially due on July 2, 2018, but that deadline was moved to July 3, 2018, by the Commission in its Order Granting Enlargements of Time for Prefiled Testimony.

2. On June 18, 2018, the Kansas State Board of Regents filed to intervene in this docket. On June 28, 2018, the Board of Regents filed its motion requesting leave to file testimony out of time.

3. When the Commission approves parties’ interventions, it does so with a finding that the intervention will not “impair the orderly and prompt conduct of the proceeding.” *See* K.S.A. 77-521(a); K.A.R. 82-1-225(a). If the Commission chooses to approve the Board of Regents’ intervention in this docket, it will presumably make the same finding. A party intervening at a later date during a proceeding is typically required to accept the record as it exists at the time of their intervention, including the procedural schedule that has been set.

4. In this case, the procedural schedule was established almost four months ago. It is entirely unreasonable for the Board of Regents to ask the Commission to adjust that schedule for it alone, less than a month before the evidentiary hearing and only five days before Westar's rebuttal testimony is due. If the testimony were accepted at this late date – 17 days after intervenors' direct testimony was due, Westar would not have adequate time to include a response in its rebuttal testimony. As a result, the Commission should deny the Board of Regents' Motion for Leave to File Testimony Out of Time.

WHEREFORE, Westar respectfully requests that the Commission deny the Kansas Board of Regents' Motion for Leave to File Testimony Out of Time and for other relief as may be proper and appropriate.

Respectfully submitted,

/s/ Cathryn J. Dinges

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**Counsel for Westar Energy, Inc. and
Kansas Gas and Electric Company**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed, this 2nd day of July 2018, to all counsel of record.

/s/ Cathryn J. Dinges

Counsel for Westar Energy, Inc. and Kansas
Gas and Electric Company