THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

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

In the Matter of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval to Implement Changes in their Transmission Delivery Charges Rate Schedules.

Docket No. 16-WSEE-375-TAR

ORDER GRANTING PETITIONS TO INTERVENE OF CURB AND HOLLYFRONTIER EL DORADO REFINING LLC

)

))

)

)

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. On February 15, 2016, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar Energy) filed an application with the Kansas Corporation Commission (Commission) for approval to Implement Changes in their Transmission Delivery Charges Rate Schedules.

2. The Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene in this docket on March 15, 2016. CURB establishes it has statutory authority to "represent residential and small commercial ratepayers before the state corporation commission."¹ CURB states that the residential and small commercial ratepayers whose interests CURB represents will be bound by any Commission order in this proceeding, and therefore CURB has a substantial interest in this proceeding.

¹ K.S.A. 66-1223(a).

3. On March 15, 2016, HollyFrontier El Dorado Refining LLC (HollyFrontier) filed a Petition to Intervene in this proceeding. HollyFrontier asserts that as owner and operator of the El Dorado Refinery it receives electric service from Westar, therefore any change in Westar's Transmission Delivery Charge will significantly increase the rate applied to HollyFrontier.

4. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties and privileges, immunities, or other legal interests may be substantially affected by the proceeding. Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.

5. No parties have objected to the above intervention petitions.

6. The Commission finds that the above parties have met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this docket. The parties will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered as follows:

David W. Nickel, Consumer Counsel Citizens' Utility Ratepayer Board 1500 SW Arrowhead Rd. Topeka, KS 66604 (785) 271-3200 <u>d.nickel@curb.kansas.gov</u>

Della Smith, Adm. Specialist Citizens' Utility Ratepayer Board 1500 SW Arrowhead Rd. Topeka, KS 66604 <u>d.smith@curb.kansas.gov</u> Shonda Smith, Offc. Manager Citizens' Utility Ratepayer Board 1500 SW Arrowhead Rd. Topeka, KS 66604 sd.smith@curb.kansas.gov James G. Flaherty ANDERSON & BYRD, LLP 216 s. Hickory, PO Box 17 Ottawa, KS 66067 (785) 242-1234 (785) 242-1279 Fax jflaherty@andersonbyrd.com

THEREFORE, THE COMMISSION ORDERS:

A. The Citizens' Utility Ratepayer Board and HollyFrontier El Dorado Refining LLC are granted intervention in this docket.

B. The parties have 15 days from the date this Order was served electronically to petition for reconsideration.²

C. 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.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner.

MAR 2 9 2016

Amy L. Green Secretary to the Commission **FMAILED**

SF/sc

MAR 29 2016

² K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

16-WSEE-375-TAR

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on MAR 2 9 2016

DAVID W. NICKEL, CONSUMER COUNSEL

CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD. TOPEKA, KS 66604 d.nickel@curb.kansas.gov

DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3116 d.smith@curb.kansas.gov

GREG WRIGHT EMG, INC. 420 NE LYMAN RD. TOPEKA, KS 66608 greg@emgnow.com

SAMUEL FEATHER, OFFICE OF GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax: 785-271-3167 s.feather@kcc.ks.gov

BRENDA HARRIS, DIRECTOR POWER OCCIDENTAL ENERGY CORPORATION 5 GREENWAY PLAZA, SUITE 110 HOUSTON, TX 77046-0521 brenda harris@oxy.com JAMES G. FLAHERTY, ATTORNEY ANDERSON & BYRD, L.L.P. 216 S HICKORY PO BOX 17 OTTAWA, KS 66067 Fax: 785-242-1279 jflaherty@andersonbyrd.com

SHONDA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3116 sd.smith@curb.kansas.gov

JULIE B. HUNT HOLLYFRONTIER CORPORATION 2828 N HARWOOD STE 1300 DALLAS, TX 75201 julie.hunt@hollyfrontier.com

ROBERT VINCENT, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax: 785-271-3354 r.vincent@kcc.ks.gov

JAMES P. ZAKOURA, ATTORNEY SMITHYMAN & ZAKOURA, CHTD. 7400 W 110TH ST STE 750 OVERLAND PARK, KS 66210-2362 Fax: 913-661-9863 jim@smizak-law.com

CERTIFICATE OF SERVICE

16-WSEE-375-TAR

ROBIN ALLACHER, REGULATORY ANALYST WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889 robin.allacher@westarenergy.com

JEFFREY L. MARTIN, VICE PRESIDENT, REGULATORY AFFAIRS WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889 jeff.martin@westarenergy.com CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 666010889 Fax: 785-575-8136 cathy.dinges@westarenergy.com

/S/ DeeAnn Shupe DeeAnn Shupe

EMAILED

MAR 292015