

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Received  
on

MAR 21 2012

Before Commissioners: Chairman Mark Sievers  
Ward Loyd  
Thomas E. Wright

by  
State Corporation Commission  
of Kansas

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 Number  
12-WSEE-651-TAR

**PETITION TO INTERVENE**

COMES NOW,

Cargill, Incorporated,  
Hawker Beechcraft Corporation, and  
The Boeing Company

and respectfully request Intervention as Parties in the above-entitled proceeding, and state to the State Corporation Commission of the State of Kansas ("KCC" or "Commission"), as follows:

**The Westar Filings**

1. On February 24, 2012, Westar Energy, Inc. initiated the above-entitled KCC Docket.<sup>1</sup> In correspondence (**Exhibit A**) of Michael B. Heim, Coordinator, Regulatory Affairs, of Westar Energy, Inc., it is stated to the KCC, in part as follows:

"Westar Energy, Inc. and Kansas Gas and Electric Company both doing business as Westar Energy hereby files updated Transmission Delivery Charge (TDC) tariffs."

Mr. Heim, in his correspondence dated February 24, 2012, also states, in part:

"The TDC is an update to the current TDC that was approved in Docket No. 11-WSEE-599-TAR."

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<sup>1</sup> Westar Energy Inc. and Kansas Gas and Electric Company, collectively, "Westar."

2. Along with his correspondence dated February 24, 2012, Mr. Heim enclosed; “an original and seven copies of the proposed TDC tariffs for both Westar Energy North and South rate areas.”

3. In his correspondence dated February 24, 2012, Mr. Heim further stated:

“Westar would like to implement the new TDC within 30 business days as outlined in K.S.A. 66-1237. The date of implementation would be April 6, 2012.”

4. Filed concurrently by Westar, with the described correspondence dated February 24, 2012 of Mr. Heim, was a document that was filed entitled “2012 TDC New Tariffs.” Rather than an application of cost to an existing tariff that was previously approved by the KCC, Westar proposed amending its tariff (Schedule TDC Sheet 1). Such amended tariff is included herewith as **Exhibit B**).

5. On February 29, 2012, the KCC issued its ORDER ASSESSING COSTS in the above-entitled and numbered KCC Docket.

6. On March 6, 2012, Westar filed with the KCC within this Docket, a document entitled “Transmission Delivery Charge - - Supplemental Information Regarding Proposed Tariff Language Changes.” In such document Westar sets forth its purported rationale for its “Proposed Tariff Language Changes.” In part, such purported rationale is set forth as follows:

- Westar’s current Transmission Delivery Charge (TDC) tariff requires Westar to use a 12-CP allocation ratio to allocate the transmission revenue requirement among classes. The TDC tariff requires Westar to update the 12-CP ratio based on current test-year load research each time it files a retail rate proceeding, and at a minimum, once every five years. **This tariff language would require Westar to utilize the 12-CP ratio from its most recently filed rate case, Docket No. 12-WSEE-112-RTS, when allocating the proposed increase to the TDC revenue requirement in this docket.**
- **Westar has proposed an amendment to the TDC tariff [herein] that would allow Westar to consider principles of gradualism and fairness,**

as well as issues related to consolidation of rate areas and customer migration, when allocating the TDC.

- **The allocation Westar has proposed in this docket (KCC Docket No. 12-WSEE-651-TAR) [at March 6, 2012] would allocate the new portion of the TDC revenue requirement based upon the 12-CP ratio from Docket No. 12-WSEE-112-RTS and would retain the current allocation for the portion of the TDC revenue requirement that is already in rates.**
- **The current TDC rates are based on the 12-CP allocation ratio that was developed as part of Westar’s general rate case in Docket No. 08-WSEE-1041-RTS. In that docket, the 12-CP allocation ratios were developed separately for Westar North and Westar South.**
- **The introduction and use of the 12-CP ratio from Docket No. 12-WSEE-112-RTS would create a four percent increase for Religious Institution Time of Day Customers. This four percent increase is greater than the increase that would result if the Stipulation and Agreement in Docket No. 12-WSEE-112-RTS were approved. It will also likely result in additional migration between the MGS and HLF rate schedules.**

7. As a “suggested approach in the TDC filing,” Westar stated on March 6, 2012:

Westar proposes to use the 12-CP ratio from Docket No. 12-WSEE-112-RTS for the increased portion of the TDC revenue requirement and to maintain the existing 12-CP allocation for the portion of the TDC revenue requirement already in rates. The TDC charges from the new allocation would be added to the existing TDC charge to create a total TDC charge.

8. As a rationale for the “suggested approach in TDC filing” by Westar, it is stated:

**The approach proposed by Westar incorporates the updated 12-CP ratio from Docket No. 12-WSEE-112-RTS into the TDC as contemplated by the existing tariff but also incorporates it in such a manner that does not introduce or produce significant increases to any one rate group. Moreover, Westar’s approach allows for gradualism, eliminates broad swings and rate impacts, and significantly reduces the impact of unintended customer migration between rate schedules.**

9. On March 6, 2012, by correspondence of Cathryn J. Dinges, Westar also filed “the original and nine photocopies of the work papers supporting Westar’s Transmission Delivery Charge (TDC) filing in the above-captioned Docket.

**Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company  
Have A Direct Financial Interest in this KCC Docket**

10. Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company are retail customers of Westar in the State of Kansas. Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company have a direct financial interest in the outcome of this KCC proceeding. Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company, as retail electric customers of Westar have a direct financial interest in the Transmission Delivery Charge (TDC) of Westar, in that the TDC is a part of the Westar retail electric rate to Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company. The TDC paid by Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company to Westar, is pursuant to tariffs for the Transmission Delivery Charge as filed with and approved by the KCC.

11. To the best of the knowledge of Counsel for Cargill, Incorporated, Hawker Beechcraft, and The Boeing Company, after reasonable investigation thereof, Cargill, Incorporated, Hawker Beechcraft Corporation and The Boeing Company were not served with notice of the filings made in the above-entitled and numbered dockets, on February 24, 2012, or March 6, 2012 (two filings). It was only through a review of the KCC Commission's Electronic Docket, on March 17, 2012, that knowledge of the matters included in the above-entitled and numbered Docket, were ascertained by Counsel for Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company.

12. Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company contend herein, that Westar is proposing a change of rates and schedules that are subject to the provisions of K.S.A. 66-117, and that Cargill Incorporated, Hawker Beechcraft Corporation, and The Boeing Company are, under Kansas law, entitled to notice of proposed rate and tariff

(schedule) changes affecting their retail electric rates. Cargill, Incorporated, Hawker Beechcraft, and The Boeing Company specifically allege that they are entitled to notice and an opportunity to be heard regarding changes in the tariffs (schedules) and rates affecting their retail electric service, and their Kansas operations.

13. Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company allege that Westar is proposing in the above-entitled and numbered Docket, to obtain changes to prior Commission Orders affecting retail electric customers of Westar, including Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company, and as such, Cargill, Incorporated, Hawker Beechcraft Corporation and The Boeing Company are entitled to due process protections as provided by the Kansas Constitution, applicable Kansas statutes, as well as the U.S. Constitution.

#### **Relief Requested**

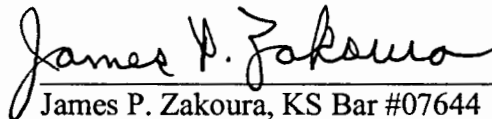
14. Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company respectfully request that Westar be required (i) to serve all of its retail customers in Kansas with notice of the above-entitled KCC Docket, (ii) to serve all Parties in KCC Docket No. 12-WSEE-112-RTS with notice of the above entitled KCC Docket; (iii) that the KCC order a Hearing in this KCC Docket; (iv) the Commission order full Discovery in this Docket; and (v) the Commission find and order that this Docket is subject to the provisions of K.S.A. 66-117, and suspend the relief requested by Westar in this Docket for the full 240 days (pursuant to K.S.A. 66-117(c)) subsequent to March 6, 2012.

15 Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company request service of all pleadings, orders, and other documents in the above-entitled proceeding be made on the following listed individuals:

James P. Zakoura and  
Carson M. Hinderks  
Smithyman & Zakoura, Chartered  
750 Commerce Plaza II Building  
7400 West 110<sup>th</sup> Street  
Overland Park, KS 66210

WHEREFORE, Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company respectfully request that the Commission grant their Petition for Intervention herein, and that Cargill, Incorporated, Hawker Beechcraft Corporation, and The Boeing Company be granted all rights of a Party in this entitled KCC Docket, including but not limited to, the right to discovery, and right to file pleadings, the right to present oral argument to the Commission, the right to a Hearing, and the right to fully participate in any Hearing in the above-entitled Docket.

Respectfully submitted,



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James P. Zakoura, KS Bar #07644  
Carson M. Hinderks, KS Bar #25079  
SMITHYMAN & ZAKOURA, CHARTERED  
750 Commerce Plaza II Building  
7400 West 110<sup>th</sup> Street  
Overland Park, Kansas 66210-2362  
Telephone: (913) 661-9800  
Facsimile: (913) 661-9862  
Email: [jim@smizak-law.com](mailto:jim@smizak-law.com)  
[carson@smizak-law.com](mailto:carson@smizak-law.com)

ATTORNEYS FOR INTERVENORS,  
CARGILL, INCORPORATED,  
HAWKER BEECHCRAFT CORPORATION, and  
THE BOEING COMPANY


**VERIFICATION**

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF JOHNSON        )

I, James P. Zakoura, being first duly sworn, state that the above and foregoing is true and accurate to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
James P. Zakoura

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of March, 2012.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires:

8-31-2014



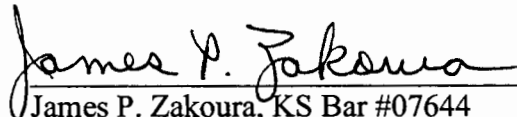
**CERTIFICATE OF MAILING**

I hereby certify that on March 21, 2012, the above and foregoing was faxed to Patrice Petersen-Klein, Executive Director, Kansas Corporation Commission, 1500 SW Arrowhead Rd., Topeka, KS 66604 and that the original and eight copies were sent to the Kansas Corporation Commission for filing on the 21<sup>st</sup> day of March, 2012, by placing same postage prepaid in the United States Mail. Additionally, a copy of said Petition to Intervene was served upon the following:

|   |   |
|---|---|
| Ray Bergmeier<br>Kansas Corporation Commission<br>1500 SW Arrowhead Rd<br>Topeka, KS 66604-4027 | Brian Fedotin<br>Kansas Corporation Commission<br>1500 SW Arrowhead Rd<br>Topeka, KS 66604-4027 |
|---|---|

|  |   |
|--|---|
| Andrew Schulte<br>Kansas Corporation Commission<br>1500 SW Arrowhead Rd<br>Topeka, KS 66604-4027         | Cathryn J. Dinges<br>Westar Energy, Inc.<br>818 S. Kansas Ave.<br>PO Box 889<br>Topeka, KS 66601-0889 |
| Michael B. Hein, Sr.<br>Westar Energy, Inc.<br>818 S. Kansas Ave.<br>PO Box 889<br>Topeka, KS 66601-0889 | Dick F. Rohlf's<br>Westar Energy, Inc.<br>818 S. Kansas Ave.<br>PO Box 889<br>Topeka, KS 66601-0889   |

SMITHYMAN & ZAKOURA, CHARTERED



James P. Zakoura, KS Bar #07644

Carson M. Hinderks, KS Bar #25079

ATTORNEYS FOR INTERVENORS,  
 CARGILL, INCORPORATED,  
 HAWKER BEECHCRAFT CORPORATION, and  
 THE BOEING COMPANY



2012.02.24 16:30:46  
Kansas Corporation Commission  
/S/ Patrice Petersen-Klein

February 24, 2012

Patricia Petersen-Klein  
Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 666604-4027

Received  
on

FEB 24 2012

by  
State Corporation Commission  
of Kansas

RE: Transmission Delivery Charge

Dear Ms. Petersen-Klein:

Westar Energy, Inc. and Kansas Gas and Electric Company both doing business as Westar Energy hereby files updated Transmission Delivery Charge (TDC) tariffs.

This filing is in accordance with K.S.A. 66-1237 which states that utilities "may seek to recover costs associated with transmission of electric power, in a manner consistent with the determination of transmission related costs from an order of a regulatory authority having legal jurisdiction, through a separate transmission delivery charge included in customers' bills." The TDC is an update to the current TDC that was approved in Docket No. 11-WSEE-599-TAR.

Enclosed is an original and seven copies of the proposed TDC tariffs for both Westar Energy North and South rate areas. Work papers supporting the calculations have been provided to the KCC staff.

Westar would like to implement the new TDC within 30 business days as outlined in K.S.A. 66-1237. The date of implementation would be April 6, 2012.

Please call me at 575-1793 with any questions concerning this change.

Sincerely,

Michael B. Heim  
Coordinator, Regulatory Affairs

Cc: Dick Rohlfis

Enc.

THE STATE CORPORATION COMMISSION OF KANSAS

WESTAR ENERGY, INC.

(Name of Issuing Utility)

NORTH RATE AREA

(Territory to which schedule is applicable)  
2011

Index \_\_\_\_\_

SCHEDULE TDC

Replacing Schedule TDC Sheet 1

which was filed June 11, 2010 December 30.

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 1 of 6 Sheets

TRANSMISSION DELIVERY CHARGE

APPLICABLE

To all bills rendered by Company for utility service, provided the tariff under which such bills are rendered permits recovery of cost related to Company's transmission system.

BASIS OF CHARGE

Company shall collect from applicable customers a Transmission Delivery Charge (TDC) based on its annual transmission revenue requirement (ATRR) for costs to be recovered under the following schedules of the Open Access Transmission Tariff for Service Offered by the Southwest Power Pool (SPP) for service to Company's retail KCC-Jurisdictional customers:

- Schedule 1A – Tariff Administration Service;
- Schedule 9 – Network Integration Transmission Service;
- Schedule 10 – Wholesale Distribution Service;
- Schedule 11 – Base Plan Charge; and
- Schedule 12 – FERC Assessment Charge;
- Other cost associated with Schedule 1 fees for transmission service provided on foreign wires; and-
- Direct Assigned SPP System Upgrade Charges

The cost to be recovered under Schedule 9 (Network Integration Transmission Service) shall exclude the revenue requirement for all Company-owned transmission facilities classified by SPP as Base Plan Upgrades. Company shall provide periodic reports to the Commission of its collections, including a calculation of the total collected under this rate schedule.

Issued \_\_\_\_\_  
Month Day Year

Effective \_\_\_\_\_  
Month Day Year

By \_\_\_\_\_  
Michael Lennen, Vice President

EXHIBIT B

LAW OFFICES  
**SMITHYMAN & ZAKOURA**  
CHARTERED  
750 COMMERCE PLAZA II  
7400 WEST 110TH STREET  
OVERLAND PARK, KANSAS 66210-2362  
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ARTHUR E. RHODES  
CONSTANCE L. SHIDLER

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PRACTICE IN KANSAS AND MISSOURI

VERONICA L. DERSCH  
CARSON M. HINDERKS

March 21, 2012

Received  
on

MAR 21 2012

by  
State Corporation Commission  
of Kansas

Ms. Patrice Petersen-Klein  
Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Rd  
Topeka, KS 66604

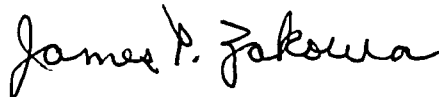
Re: In the Matter of Westar Energy, Inc. and Kansas  
Gas and Electric Company Seeking Commission  
Approval to Implement Changes in Their  
Transmission Delivery Charges Rate Schedules  
Docket No. 12-WSEE-651-TAR

Dear Ms. Petersen-Klein:

Enclosed please find the original and eight copies of the Petition to Intervene in the above-entitled Docket.

I would appreciate you filing same and returning a file-stamped copy to me in the envelope which has been enclosed for your use.

Very truly yours,



James P. Zakoura

For

SMITHYMAN & ZAKOURA, CHARTERED

dmw/encls.