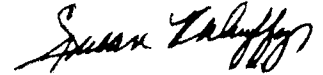


BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

FEB 17 2009



In the Matter of the Investigation of Westar )  
Energy, Inc. and Kansas Gas and Electric )  
Company to Consider the Issue of Rate )  
Consolidation and Resulting Rate Design )

Docket No. 09-WSEE-641-GIE

**MOTION FOR PROTECTIVE ORDER**

COME NOW Westar Energy, Inc. and Kansas Gas and Electric Company (collectively referred to as “Westar”) and hereby move the Commission to issue a Protective Order in this docket. In support of its motion, Westar states:

1. On May 27, 2008, Westar initiated a proceeding to make changes to its charges for electric service by filing a Joint Application. *In the Matter of the Application of Westar Energy, Inc., and Kansas Gas Electric Company for Approval to Make Certain Changes in Their Charges for Electric Service*, Docket No. 08-WSEE-I041-RTS. In that docket, the parties reached an Agreement that resolved all contested issues among the parties except whether rates for Westar North and Westar South should be consolidated. The parties identified the issue of rate consolidation as a policy question appropriate for Commission decision and recommended that the issue be bifurcated from Docket No. 08-WSEE-I041-RTS and addressed in a separate proceeding.

2. On February 13, 2009, the Commission issued an order opening the above-captioned docket to address whether rates for Westar North and Westar South should be consolidated. The Commission’s order set a date for a scheduling conference in the new docket.

3. At the same time it issued its order opening this docket, the Commission issued an Order Granting Motion to Bifurcate Rate Consolidation Issue and Closing Docket. That Order ended proceedings in Docket No. 08-WSEE-I041-RTS, except to the extent sub-dockets were created

for compliance filings in the Commission's Order issued January 21, 2009. As a result, the protective order issued in Docket No. 08-WSEE-1041-RTS is no longer effective.

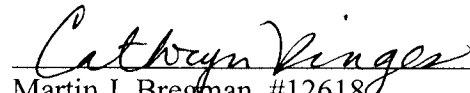
4. During discussions with counsel for Staff and Interveners that occurred before the Commission issued its February 13, 2009 Orders, Westar indicated that it would make an effort to produce certain information related to the question of rate consolidation as soon as possible and possibly before its direct testimony was due in this docket.

5. Westar intends to produce projected load and capability data and the projected costs for key cost drivers, including generation, environmental costs, and carbon taxes, at the scheduling conference on February 25, 2009, or shortly thereafter. This information is confidential, proprietary, and/or commercially sensitive, as defined in K.S.A. 66-1220a and K.A.R. 82-1-221a.

6. Westar requests that the Commission issue its standard protective order to govern this proceeding, in order to protect Westar and parties who might be granted leave to intervene in this docket from disclosure of confidential, proprietary and/or commercially sensitive information, and to facilitate the investigation of this matter.

WHEREFORE, Westar requests that the Commission issue the requested protective order and that the protective order apply to all parties in this proceeding.

Respectfully submitted,  
WESTAR ENERGY, INC.  
KANSAS GAS AND ELECTRIC COMPANY



Martin J. Bregman, #12618

Executive Director, Law

Cathryn J. Dinges, #20848

Corporate Counsel

818 South Kansas Avenue

Topeka, Kansas 66612

(785) 575-1986; Telephone

(785) 575-8136; Fax

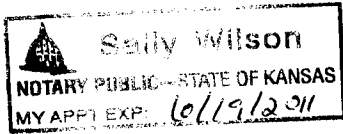
VERIFICATION

STATE OF KANSAS )  
 )  
COUNTY OF SHAWNEE ) ss:

Cathryn J. Dinges, being duly sworn upon her oath deposes and says that she is one of the attorneys for Westar Energy, Inc. and Kansas Gas and Electric Company; that she is familiar with the foregoing **Motion for Protective Order**; and that the statements therein are true and correct to the best of her knowledge and belief.

*Cathryn Dinges*  
Cathryn J. Dinges

SUBSCRIBED AND SWORN to before me this 17<sup>th</sup> day of February, 2009.



*Sally Wilson*  
Notary Public

My Appointment Expires: 6/19/2011

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of February, 2009, the original and eight copies of the foregoing **Motion for Protective Order** were delivered to:

Susan K. Duffy  
Executive Director  
KANSAS CORPORATION COMMISSION  
1500 SW Arrowhead  
Topeka, Kansas 66604

and that copies were delivered to:


NIKI CHRISTOPHER, ATTORNEY  
CITIZENS' UTILITY RATEPAYER  
BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604

C. STEVEN RARRICK, ATTORNEY  
CITIZENS' UTILITY RATEPAYER  
BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604

DAVID SPRINGE, CONSUMER  
COUNSEL  
CITIZENS' UTILITY RATEPAYER  
BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604

DANA BRADBURY, LITIGATION  
COUNSEL  
KANSAS CORPORATION  
COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

MATTHEW SPURGIN, LITIGATION  
COUNSEL  
KANSAS CORPORATION  
COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

  
Cathryn J. Dinges