

subject to the jurisdiction of the Commission with respect to rates, services, and accounting procedures. Application, ¶ 1.

2. The Citizens' Utility Ratepayer Board has filed a Petition to Intervene. The Prehearing Officer designated in this Order will address this and any additional petitions to intervene.

3. The Commission has jurisdiction over Westar's Application under K.S.A. 66-117 and K.A.R. 82-1-231. Applicant filed information required by K.A.R. 82-1-231. In this Order, the Commission designates a prehearing officer and sets a prehearing conference to discuss a procedural schedule.

II. Prehearing Conference

4. Having reviewed the Application, the Commission finds that a prehearing officer should be designated and a prehearing conference set to allow parties to present arguments, if any, regarding issues and to develop a procedural schedule to recommend to the Commission. The Commission recognizes that the 240-day deadline runs on Sunday, January 30, 2011, which is a weekend, and therefore, the Commission's Order must be filed on the next business day of Monday, January 31, 2011. During the Prehearing Conference, parties shall be prepared to discuss deadlines for filing of testimony and briefs and possible dates for an evidentiary hearing with the Commission presiding, as well as potential dates for a public hearing or hearings, should the Commission desire to hold a public hearing or hearings.

A. Designating Prehearing Officer

5. Although the Commission will conduct the evidentiary hearing in this docket, the Commission designates a prehearing officer to conduct any prehearing conferences that might be needed in this proceeding and to address any matters that are appropriately considered in a

prehearing conference, including all items listed in the Kansas Administrative Procedure Act (KAPA) at K.S.A. 77-517(b). These items include, for example, conversion of the proceeding to another type; exploration of settlement possibilities; preparation of stipulations; clarification of issues; rulings on identity and limitation of the number of witnesses; objections to proffers of evidence; determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form, and the extent to which telephone or other electronic means will be used as a substitute for proceedings in person; order of presentation of evidence and cross-examination; rulings regarding issuance of subpoenas; discovery orders and protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing. The Commission designates Melissa Doebelin, Advisory Counsel, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, telephone number 785-271-3186, email address m.doebelin@kcc.ks.gov, to act as Prehearing Officer in this proceeding. K.S.A. 2009 Supp. 77-514; K.S.A. 77-516; K.S.A. 2009 Supp. 77-551. The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

B. Notice of Prehearing Conference

6. Having concluded that a prehearing conference is needed to discuss scheduling, the Commission sets a Prehearing Conference for July 2, 2010, beginning at 10:30 a.m. and concluding by 12:00 p.m., in the Third Floor Hearing Room of the Commission's offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. This Prehearing Conference will focus on issues that relate to development of a procedural schedule for this docket. Parties should be prepared to discuss discovery procedures and any other prehearing issues that will promote the orderly and prompt conduct of this proceeding. K.S.A. 77-517; K.A.R. 82-1-222. Any party who fails to attend or participate in the Prehearing Conference, hearing or other stage of this

proceeding may be held in default under the KAPA. K.S.A. 77-516(c)(8); K.S.A. 77-520. At the prehearing conference, this proceeding, without further notice, may be converted into a conference hearing or a summary proceeding for disposition of the matter as provided by the KAPA. K.S.A. 77-516(c)(7).

III. Agency Attorneys of Record

7. The attorneys designated to appear on behalf of the agency in this proceeding are Matt Spurgin, telephone number 785-271-3279, email address m.spurgin@kcc.ks.gov; and Colleen Harrell, telephone number 785-271-3138, email address c.harrell@kcc.ks.gov, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. K.S.A. 2009 Supp. 77-518(c)(2); K.S.A. 77-516(c)(2).

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission appoints Melissa Doeblin to act as Prehearing Officer and directs parties to attend the Prehearing Conference on July 2, 2010, beginning at 10:30 a.m. and concluding by 12:00 p.m., in the Third Floor Hearing Room of the Commission's offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, as described above in paragraphs 5 and 6. Parties should be prepared to discuss deadlines for filing of testimony and briefs and possible dates for an evidentiary hearing with the Commission presiding, as well as potential dates for a public hearing or hearings, should the Commission desire to hold a public hearing or hearings.

B. This is a procedural order and constitutes nonfinal agency action. K.S.A. 77-607(b)(2). Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2009 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chairman; Harkins, Commissioner; Loyd, Commissioner

Dated: JUN 18 2010

ORDERED MAILED

JUN 18 2010

 EXECUTIVE
DIRECTOR

Susan K. Duffy
Executive Director

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