

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

In the Matter of the 2017 Wolf Creek Triennial        )  
Decommissioning Financing Plan.                        )     Docket No. 18-WCNE-107-GIE

**JOINT MOTION TO APPROVE SETTLEMENT AND AGREEMENT**

COME NOW the Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively), Wolf Creek Nuclear Operating Corporation (“Wolf Creek”), Kansas Gas and Electric Company d/b/a Westar Energy (“Westar”), Kansas City Power & Light Company (“KCP&L”), and Kansas Electric Power Cooperative, Inc. (“KEPCo”) (collectively referred to as the “Parties”) and respectfully move the Commission for an Order approving the Settlement Agreement (“Agreement”) filed contemporaneously with this Motion. The Agreement is attached as Exhibit 1.

1.       On September 1, 2017, Wolf Creek filed its 2017 Decommissioning Financing Plan for the Wolf Creek Generating Station, in accordance with the Commission’s December 9, 1992 Order in Docket No. 163,561-U and the Commission’s Order in Docket No. 13-WCNE-204-GIE on June 13, 2013. The December 9, 1992 Order directed the filing of a decommissioning cost study every three years after September 1, 1993. The June 13, 2013 Order directed WCNO and the owning utilities to update the estimates of the total capital costs of the Independent Spent Fuel Storage Installation (“ISFSI”) project at Wolf Creek as part of the triennial decommissioning cost study filings.<sup>1</sup>

2.       CURB filed a petition to intervene, which was granted.

3.       The parties met and discussed settlement of this docket. Following negotiations, the parties entered into an Agreement (attached as Exhibit 1) for the purpose of determining a

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<sup>1</sup> See Docket No. 13-WCNE-204-GIE, In the Matter of a Generic Proceeding Regarding Wolf Creek Nuclear Operating Corporation to Receive Information Concerning Spent Fuel, Pursuant to the Commission’s May 16, 2012 Order in Docket No. 12-WCNE-136-GIE, *Order Closing Docket*, issued Jun. 13, 2013, Ordering ¶ A.

reasonable estimate of Wolf Creek decommissioning costs to be used in addressing accrual levels of the respective owner utilities' decommissioning trust account and the appropriate escalation factor (inflation rate).

**WHEREFORE,** the Parties respectfully request that the Commission approve the Agreement, and for any further relief the Commission shall deem just and appropriate.

Respectfully submitted,

/s/ Robert Elliott Vincent

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

In the Matter of the 2017 Wolf Creek Triennial        )  
Decommissioning Financing Plan.                        )   Docket No. 18-WCNE-107-GIE

**NON-UNANIMOUS SETTLEMENT AGREEMENT**

This Non-Unanimous Settlement Agreement (“Agreement”) is entered into by and between the Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively), Wolf Creek Nuclear Operating Corporation (“Wolf Creek”), Kansas Gas and Electric Company d/b/a Westar Energy (“Westar”), Kansas City Power & Light Company (“KCP&L”), and Kansas Electric Power Cooperative, Inc. (“KEPCo”) (collectively referred to as the “Parties”).

1. On September 1, 2017, Wolf Creek filed its 2017 Decommissioning Financing Plan for the Wolf Creek Generating Station, in accordance with the Commission’s December 9, 1992 Order in Docket No. 163,561-U and the Commission’s Order in Docket No. 13-WCNE-204-GIE on June 13, 2013. The December 9, 1992 Order directed the filing of a decommissioning cost study every three years after September 1, 1993. The June 13, 2013 Order directed WCNOG and the owning utilities to update the estimates of the total capital costs of the Independent Spent Fuel Storage Installation (“ISFSI”) project at Wolf Creek as part of the triennial decommissioning cost study filings.<sup>2</sup> CURB filed a petition to intervene, which was granted.

2. The Parties met to discuss settlement of the issues in this docket. The terms of the resulting Agreement are set forth below.

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<sup>2</sup> See Docket No. 13-WCNE-204-GIE, In the Matter of a Generic Proceeding Regarding Wolf Creek Nuclear Operating Corporation to Receive Information Concerning Spent Fuel, Pursuant to the Commission’s May 16, 2012 Order in Docket No. 12-WCNE-136-GIE, *Order Closing Docket*, issued Jun. 13, 2013, Ordering ¶ A.

## **I. TERMS OF THE SETTLEMENT AGREEMENT**

3. This Agreement is entered into for the purpose of determining a reasonable estimate of the Wolf Creek Generating Station decommissioning costs to be used in addressing accrual levels of the respective owner utilities' Decommissioning Trust Accounts.

4. The cost for decommissioning funding is agreed to be \$1.088 billion in 2017 dollars as set forth in the Decommissioning Cost Analysis (DECON Alternative with Long-Term Spent Fuel Management as described in Appendix E of the Cost Analysis) for the Wolf Creek Generating Station filed in this docket on September 1, 2017, which is hereby incorporated by reference. This number will be used by Westar, KCP&L and KEPCo in their respective proposals for setting a funding level for each company's Decommissioning Trust Account. This will be done in individual dockets,<sup>3</sup> separate from the instant docket.

5. Westar, KCP&L and KEPCo agree to use an escalation rate of 2.91% per year to escalate the 2017 decommissioning cost estimate of \$1.088 billion from 2017 dollars to the appropriate dollar amount in the year that the decommissioning costs will occur.

6. In support of the Agreement, the Parties agree to prefile the testimony and schedules of the following witnesses:

Adam Gatewood and Leo Haynos for Staff.

Jim Gilligan for KCP&L, Westar and KEPCo.

Larry Wilkus for KCP&L and Westar.

7. The Parties agree the terms of this Agreement are in the public interest and should be approved by the Commission.

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<sup>3</sup> 18-KCPE-480-RTS (KCP&L); 18-WSEE-328-RTS (Westar).

## **II. RESERVATIONS**

8. Except as specified in this Agreement, none of the Parties to the agreement shall be deemed to have approved or acquiesced in any question of the Commission authority, decommissioning methodology, rate making principle, valuation methodology, cost of service methodology or determination, rate design methodology, or cost allocation that may underlie this Agreement.

9. This Agreement fully resolves issues specifically addressed in this document between the Parties. The terms of this Agreement constitute a fair and reasonable resolution of the issues addressed herein.

10. The terms and provisions of this Agreement have resulted from negotiations between the signatories and are interdependent. In the event the Commission does not approve and adopt the terms of the Agreement in total, any party has the option to terminate this Agreement and, if so terminate, none of the signatories hereto shall be bound by, prejudiced, or in any way affected by any of the agreements or provisions hereof, unless otherwise provided herein.

11. If the Commission accepts this Agreement in its entirety and incorporates the same into its final order in this docket, the Parties intend to be bound by its terms and the Commission's order incorporating its terms as to all issues addressed herein, and will not appeal the Commission's order on those issues.

12. Parties agree to waive cross-examination of other Parties' witnesses, right to present oral argument and written briefs pursuant to Commission rules and right to judicial review pursuant to Kansas law. This waiver applies only to those matters explicitly addressed by this Agreement.

13. The Agreement shall be binding on all Parties upon signing and shall continue to be binding thereafter unless rejected, conditioned or otherwise modified by the Commission.

IN WITNESS HERETO, the Parties have executed and approved this Agreement effective by subscribing their signatures below.

/s/ Robert Elliott Vincent

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STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )


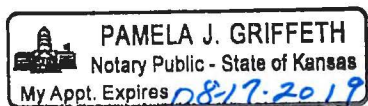
**VERIFICATION**

Robert E. Vincent, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *Joint Motion to Approve Settlement and Agreement* and that the statements contained therein are true and correct to the best of his knowledge, information and belief.



Robert E. Vincent, Litigation Counsel # 26028  
Kansas Corporation Commission of the  
State of Kansas

Subscribed and sworn to before me this 22nd day of June, 2018.

  
Notary Public

My Appointment Expires: August 17, 2019

## **CERTIFICATE OF SERVICE**

18-WCNE-107-GIE

I, the undersigned, certify that a true and correct copy of the above and foregoing Joint Motion to Approve Settlement and Agreement was served by electronic service on this 22nd day of June, 2018, to the following:

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## CERTIFICATE OF SERVICE

18-WCNE-107-GIE

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