

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

In the Matter of Westar Energy, Inc. and )  
Kansas Gas and Electric Company Seeking )  
Commission Approval to Implement Changes ) Docket No. 16-WSEE-375-TAR  
in their Transmission Delivery Charges Rate )  
Schedules. )

In the Matter of Westar Energy, Inc. and )  
Kansas Gas and Electric Company Seeking )  
Commission Approval to Implement Changes ) Docket No. 17-WSEE-377-TAR  
in their Transmission Delivery Charges Rate )  
Schedules. )

In the Matter of Westar Energy, Inc. and )  
Kansas Gas and Electric Company Seeking )  
Commission Approval to Implement Changes ) Docket No. 18-WSEE-355-TAR  
in their Transmission Delivery Charges Rate )  
Schedules. )

**STAFF'S MOTION TO JOIN AND CONSOLIDATE PROCEEDINGS**

COMES NOW, the Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), and files its Motion to Join and Consolidate proceedings. In support of its Motion, Staff states the following:

**I. CONDENSED BACKGROUND**

1. On February 15, 2016, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) filed an Application seeking approval to update its 2016 Transmission Delivery Charge (TDC) tariff to recover costs associated with Westar's transmission of electric power.<sup>1</sup> The Application Westar filed cited to K.S.A. 66-1237 as the authority for the recovery of the TDC.<sup>2</sup> Westar's Application requested an effective date of April 1, 2016, for the proposed TDC.<sup>3</sup>

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<sup>1</sup> Tariff for Westar Energy and Kansas Gas and Electric for 2016 Transmission Delivery Charge, p. 1 (Feb. 15, 2016).

<sup>2</sup> See *id.*

<sup>3</sup> See *id.*

2. On March 31, 2016, the Commission issued an Order pursuant to K.S.A. 66-1237 permitting Westar to implement changes in its TDC on a subject-to-refund basis.<sup>4</sup>

3. On June 21, 2016, Westar submitted a revised TDC incorporating the terms of a FERC-approved Settlement Agreement as reflected by a reduction in Westar's Annual Transmission Revenue Requirement.<sup>5</sup> Pursuant to a June 28, 2016, Commission Order, Westar began billing customers the updated TDC rates in July 2016 on a subject-to-refund basis.

4. On August 2, 2016, Staff filed its Report and Recommendation (R&R) regarding Westar's revised TDC.<sup>6</sup> Staff recommended the Commission continue to allow Westar to collect its revised TDC on a subject-to-refund basis.<sup>7</sup> However, Staff recommended the Commission withhold final decision on Westar's TDC until a third-party consultant could investigate the load research sample used to generate the 12-CP allocator and whether further action was warranted.<sup>8</sup>

5. On November 8, 2016, the Commission issued its Order Adopting Staff's August 2, 2016 Recommendation.<sup>9</sup> The Commission also recognized due process considerations raised by Westar and concluded all parties to Westar's previous general rate case, Docket No. 15-WSEE-115-RTS, should receive service of the Order Adopting Staff's August 2, 2016 Recommendation and be added to the service list in the instant proceeding.<sup>10</sup>

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<sup>4</sup> Order Granting Application to Implement Changes in Transmission Delivery Charge Subject-To-Refund (Mar. 31, 2016).

<sup>5</sup> Westar Energy Revised Transmission Delivery Charge Tariff (Jun. 21, 2016).

<sup>6</sup> Notice of Filing of Staff's Report and Recommendation (Aug. 2, 2016).

<sup>7</sup> *See id.* at p. 7.

<sup>8</sup> *See id.*

<sup>9</sup> Order Adopting Staff's August 2, 2016 Recommendation, pp. 7-8 (Nov. 8, 2016).

<sup>10</sup> *See id.* at p. 8.

6. On February 15, 2017, Westar filed its 2017 TDC update in Docket No. 17-WSEE-377-TAR (17-377 Docket).<sup>11</sup> In the 17-377 Docket, the Commission issued an Order pursuant to K.S.A. 66-1237 permitting Westar to implement changes in its TDC on a subject-to-refund basis.<sup>12</sup>

7. On February 15, 2018, Westar filed its 2018 TDC update in Docket No. 18-WSEE-355-TAR (18-355 Docket).<sup>13</sup>

## **II. REQUEST TO JOIN AND CONSOLIDATE PROCEEDINGS**

8. Previously, Staff moved to consolidate the 16-375 and 17-377 Dockets.<sup>14</sup> Staff reiterates and incorporates in full as if stated herein the arguments asserted in Staff's September 26, 2017 Motion to Join and Consolidate Proceedings.

9. Like Westar's TDCs submitted in the 16-375 and 17-377 Dockets, Staff asserts good cause exists to join and consolidate Westar's 2018 TDC docket with Westar's pending TDC proceedings. Nothing is unusual about Westar submitting a new and separate TDC request, as Westar has historically sought annual recovery of its transmission-related costs with filings in February. With Westar's instant request, the Commission will have three open dockets related to Westar's TDC: the 16-375 Docket (wherein Staff has been examining Westar's 12-CP allocation factors), and the 17-377 and 18-355 Dockets (which are subsequent annual updates to Westar's TDC).

10. The mechanics of Westar's TDC tariff result in certain years being dependent on a previous year's calculations. By way of illustration, Westar calculates its 2018 TDC by applying an adjustment factor to its 2017 TDC, and calculates its 2017 TDC by applying an adjustment

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<sup>11</sup> Tariff for Westar Energy and Kansas Gas Electric for 2017 Transmission Delivery Charge (Feb. 15, 2017).

<sup>12</sup> Order Acknowledging Effective Date of Transmission Delivery Charge Subject-to-Refund Pursuant to K.S.A. 66-1273 (Mar. 30, 2017).

<sup>13</sup> Tariff for Westar Energy and Kansas Gas Electric for 2017 Transmission Delivery Charge (Feb. 15, 2018).

<sup>14</sup> Staff's Motion to Join and Consolidate Proceedings (Sep. 26, 2017).

factor to its 2018 TDC.<sup>15</sup> Accordingly, if the 2016 TDC is revised, any such revisions will affect Westar's 2017 and 2018 TDCs.

11. The Commission has rightfully allowed these dockets to be open and proceed on separate procedural paths. However, as the Commission evaluates Westar's TDC in these proceedings, any adjustments to Westar's TDC could influence the calculation of Westar's 2016, 2017 and 2018 TDCs. Accordingly, any adjustments if so ordered would be best accomplished and made in one combined proceeding. Administrative and regulatory efficiency would be promoted by concluding the 16-375, 17-377 and 18-355 Dockets with a clear resolution of Westar's TDC and appropriate allocation thereof. This is especially noteworthy given Westar's TDC filing schedule. Due to the concurrent proceedings and the interplay between these dockets, Staff respectfully requests the Commission join and consolidate the proceedings.

12. K.A.R. 82-1-224 allows the Commission to join proceedings. For good cause, the Commission may join any proceeding with another.<sup>16</sup> "However, issues that are not germane to each other and that require separate and distinct proof shall not be joined in the same proceeding."<sup>17</sup>

13. Good cause exists to join the 16-375 and 17-377 Dockets with the 18-355 Docket. The central issues in these dockets are Westar's TDC and allocation thereof. Because the 18-355 TDC filing requires utilizing data from the 17-377 TDC filing (which itself is dependent on the 16-375 TDC), there is no doubt the exploration and evaluation of issues between dockets are relevant to the determination of one another. Additionally, all dockets share a common pool of facts and legal authority conferring jurisdiction upon the Commission to decide practically

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<sup>15</sup> For reference, the adjustment to TDC unit charges, equation and methodology may be found on sheet three of Westar's TDC rate schedule.

<sup>16</sup> See K.A.R. 82-1-224.

<sup>17</sup> K.A.R. 82-1-224(a).

identical issues. Moreover, consolidating the dockets ensures the efficient administration of justice. Parties to Westar's last general rate case, Docket No. 15-WSEE-115-RTS (15-115 Parties), have been added to the service list of the 16-375 Docket. By joining the 18-355 Docket with the other proceedings, all interested parties to Westar's last general rate case and 2016 TDC docket will be apprised of developments in Westar's 2017 and 2018 TDC dockets. At the conclusion of the joined and consolidated proceedings, all interested parties would have one record to reference when examining any subsequent Westar TDC filing.

14. The Commission may consolidate two or more dockets for hearing on a common record if the Commission deems it to be in the public interest.<sup>18</sup> At this time, Staff is unable to anticipate whether the 16-375, 17-377 or 18-355 Dockets will ultimately require a hearing. However, the interdependent issues and common pool of facts relevant to these dockets strongly support finding the public interest would be promoted by joining the proceedings. Further, as Westar has noted and the Commission has agreed due process calls for parties to Westar's last general rate case be advised of Staff's evaluation of Westar's 12-CP allocation factors.<sup>19</sup> Accordingly, the Commission added the 15-115 Parties to the service list of the 16-375 Docket.<sup>20</sup> As any determination in the 16-375 Docket will affect Westar's subsequent TDC dockets, it makes natural sense to combine the proceedings so all interested parties have the opportunity to evaluate Westar's TDC filings.

WHEREFORE, Staff respectfully requests the Commission join and consolidate Westar's 2018 TDC filing, Docket No. 18-WSEE-355-TAR, with Westar's previously joined and

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<sup>18</sup> K.A.R. 82-1-224(b).

<sup>19</sup> Order Adopting Staff's August 2, 2016 Recommendation, pp. 7-8 (Nov. 8, 2016).

<sup>20</sup> *See id.*

consolidated TDC dockets (Docket No. 16-WSEE-375-TAR and Docket No. 17-WSEE-377-TAR) and for any other relief the Commission deems just and reasonable.

Respectfully submitted,

*/s/ Robert Elliott Vincent*

Robert Elliott Vincent, S. Ct. #26028

Litigation Counsel

Kansas Corporation Commission

1500 S.W. Arrowhead Road

Topeka, KS 66604

Phone: (785) 271-3273

Email: r.vincent@kcc.ks.gov

**Attorney for Commission Staff**

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )

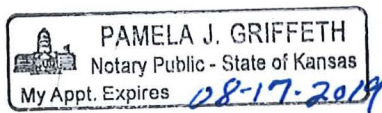
**VERIFICATION**

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 *Staff's Motion to Join and Consolidate Proceedings* 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 9th day of March, 2018.



Notary Public

My Appointment Expires: August 17, 2019

## CERTIFICATE OF SERVICE

18-WSEE-355-TAR

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion to Join and Consolidate Proceedings was served by electronic service on this 9th day of March, 2018, to the following:

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

KURT J. BOEHM, ATTORNEY  
BOEHM, KURTZ & LOWRY  
36 E SEVENTH ST STE 1510  
CINCINNATI, OH 45202  
Fax: 513-421-2764  
kboehm@bkllawfirm.com

JODY KYLER COHN, ATTORNEY  
BOEHM, KURTZ & LOWRY  
36 E SEVENTH ST STE 1510  
CINCINNATI, OH 45202  
Fax: 513-421-2764  
jkylercohn@bkllawfirm.com

MARTIN J. BREGMAN  
BREGMAN LAW OFFICE, L.L.C.  
311 PARKER CIRCLE  
LAWRENCE, KS 66049  
mjb@mjbregmanlaw.com

ANDREW J ZELLERS, GEN COUNSEL/VP REGULATORY  
AFFAIRS  
BRIGHTERGY, LLC  
1712 MAIN ST 6TH FLR  
KANSAS CITY, MO 64108  
Fax: 816-511-0822  
andy.zellers@brightergy.com

GLENDA CAFER, ATTORNEY  
CAFER PEMBERTON LLC  
3321 SW 6TH ST  
TOPEKA, KS 66606  
Fax: 785-233-3040  
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY  
CAFER PEMBERTON LLC  
3321 SW 6TH ST  
TOPEKA, KS 66606  
Fax: 785-233-3040  
terri@caferlaw.com

THOMAS J. CONNORS, ATTORNEY AT LAW  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
tj.connors@curb.kansas.gov

TODD E. LOVE, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
t.love@curb.kansas.gov

DAVID W. NICKEL, CONSUMER COUNSEL  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.nickel@curb.kansas.gov



## CERTIFICATE OF SERVICE

18-WSEE-355-TAR

SHONDA RABB  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
s.rabb@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

ARON CROMWELL  
CROMWELL ENVIRONMENTAL, INC.  
615 VERMONT ST  
LAWRENCE, KS 66044  
acromwell@cromwellenv.com

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

KEVIN HIGGINS  
ENERGY STRATEGIES, LLC  
PARKSIDE TOWERS  
215 S STATE ST STE 200  
SALT LAKE CITY, UT 84111  
Fax: 801-521-9142  
khiggins@energystrat.com

JOHN FINNIGAN, LEAD COUNSEL  
ENVIRONMENTAL DEFENSE FUND  
128 WINDING BROOK LANE  
TERRACE PARK, OH 45174  
jfinnigan@edf.org

WILLIAM R. LAWRENCE  
FAGAN EMERT & DAVIS LLC  
730 NEW HAMPSHIRE SUITE 210  
LAWRENCE, KS 66044  
Fax: 785-331-0303  
wlawrence@fed-firm.com

C. EDWARD PETERSON, ATTORNEY  
FINNEGAN CONRAD & PETERSON LC  
3100 BROADWAY STE 300  
KANSAS CITY, MO 64111  
Fax: 816-756-0373  
ed.peterson2010@gmail.com

MATTHEW H. MARCHANT  
HOLLYFRONTIER CORPORATION  
2828 N HARWOOD STE 1300  
DALLAS, TX 75201  
matthew.marchant@hollyfrontier.com

JOHN GARRETSON, BUSINESS MANAGER  
IBEW LOCAL UNION NO. 304  
3906 NW 16TH STREET  
TOPEKA, KS 66615  
Fax: 785-235-3345  
johng@ibew304.org

JOHN R. WINE, JR.  
410 NE 43RD  
TOPEKA, KS 66617  
Fax: 785-246-0339  
jwine2@cox.net

SAMUEL FEATHER, DEPUTY GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
s.feather@kcc.ks.gov

## CERTIFICATE OF SERVICE

18-WSEE-355-TAR

DUSTIN KIRK, DEPUTY GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
d.kirk@kcc.ks.gov

MICHAEL NEELEY, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3167  
m.neeley@kcc.ks.gov

AMBER SMITH, CHIEF LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3167  
a.smith@kcc.ks.gov

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

ROBIN ALLACHER, REGULATORY AFFAIRS  
KANSAS GAS & ELECTRIC CO.  
D/B/A WESTAR ENERGY  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
robin.allacher@westarenergy.com

ROBERT V. EYE, ATTORNEY AT LAW  
KAUFFMAN & EYE  
4840 Bob Billings Pkwy, Ste. 1010  
Lawrence, KS 66049-3862  
Fax: 785-749-1202  
bob@kauffmaneye.com

KEVIN HIGGINS  
KEVIN C. HIGGINS  
PARKSIDE TOWERS  
215 S STATE ST STE 200  
SALT LAKE CITY, UT 84111  
khiggins@energystrat.com

JACOB J SCHLESINGER, ATTORNEY  
KEYES FOX & WIEDMAN LLP  
1580 LINCOLN STREET  
SUITE 880  
DENVER, CO 80203  
jschlesinger@kfwlaw.com

BRENDA HARRIS, DIRECTOR POWER  
OCCIDENTAL CHEMICAL CORPORATION  
5 GREENWAY PLAZA, SUITE 110  
HOUSTON, TX 77046-0521  
brenda\_harris@oxy.com

ANNE E. CALLENBACH, ATTORNEY  
POLSINELLI PC  
900 W 48TH PLACE STE 900  
KANSAS CITY, MO 64112  
Fax: 913-451-6205  
acallenbach@polsinelli.com

FRANK A. CARO, JR., ATTORNEY  
POLSINELLI PC  
900 W 48TH PLACE STE 900  
KANSAS CITY, MO 64112  
Fax: 816-753-1536  
fcaro@polsinelli.com

LUKE A. HAGEDORN, ATTORNEY  
POLSINELLI PC  
900 W 48TH PLACE STE 900  
KANSAS CITY, MO 64112  
Fax: 913-451-6205  
lhagedorn@polsinelli.com

## CERTIFICATE OF SERVICE

18-WSEE-355-TAR

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

DAVID HAGG, VICE PRESIDENT - REGULATORY  
TALLGRASS ENERGY  
370 Van Gordon Street  
Lakewood, CO 80228  
david.haag@tallgrassenergylp.com

JARID KLING, DIRECTOR-OPERATIONS, CONTROL &  
SYSTEM ENGINEERING  
TALLGRASS ENERGY  
370 Van Gordon Street  
Lakewood, CO 80228  
jarid.kling@tallgrassenergylp.com

ADAM SCHICHE, SENIOR ATTORNEY  
TALLGRASS ENERGY  
370 Van Gordon Street  
Lakewood, CO 80228  
adam.schiche@tallgrassenergylp.com

KATHERINE COLEMAN  
THOMPSON & KNIGHT LLP  
98 SAN JACINTO BLVD STE 1900  
AUSTIN, TX 78701  
Fax: 512-469-6180  
katie.coleman@tklaw.com

PHILLIP OLDHAM  
THOMPSON & KNIGHT LLP  
98 SAN JACINTO BLVD STE 1900  
AUSTIN, TX 78701  
Fax: 512-469-6180  
phillip.oldham@tklaw.com

TIMOTHY E. MCKEE, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N ROCK RD STE 300  
WICHITA, KS 67226  
Fax: 316-630-8101  
temckee@twgfirm.com

SAMUEL D. RITCHIE, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N ROCK RD STE 300  
WICHITA, KS 67226  
Fax: 316-630-8101  
sdritchie@twgfirm.com

THOMAS R. POWELL, GENERAL COUNSEL  
UNIFIED SCHOOL DISTRICT 259  
201N WATER ST RM 405  
WICHITA, KS 67202-1292  
tpowell@usd259.net

GARY WELCH, ENERGY MANAGER  
UNIFIED SCHOOL DISTRICT 259  
201N WATER  
WICHITA, KS 67202  
Fax: 316-973-2150  
gwelch@usd259.net

KEVIN K. LACHANCE, CONTRACT LAW ATTORNEY  
UNITED STATES DEPARTMENT OF DEFENSE  
ADMIN & CIVIL LAW DIVISION  
OFFICE OF STAFF JUDGE ADVOCATE  
FORT RILEY, KS 66442  
Fax: 785-239-0577  
kevin.k.lachance.civ@mail.mil

MATTHEW DUNNE, GENERAL ATTORNEY  
US ARMY LEGAL SERVICES AGENCY  
REGULATORY LAW OFFICE (JALS-RL/IP)  
9275 GUNSTON RD STE 1300  
FORT BELVOIR, VA 22060-5546  
matthew.s.dunne.civ@mail.mil

## CERTIFICATE OF SERVICE

18-WSEE-355-TAR

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

CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL  
WESTAR ENERGY, INC.  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
Fax: 785-575-8136  
cathy.dinges@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

LARRY WILKUS, DIRECTOR, RETAIL RATES  
WESTAR ENERGY, INC.  
FLOOR #10  
818 S KANSAS AVE  
TOPEKA, KS 66601-0889  
larry.wilkus@westarenergy.com

CINDY S. WILSON, DIRECTOR, RETAIL RATES  
WESTAR ENERGY, INC.  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
cindy.s.wilson@westarenergy.com

DAVID L. WOODSMALL  
WOODSMALL LAW OFFICE  
308 E HIGH ST STE 204  
JEFFERSON CITY, MO 65101  
Fax: 573-635-7523  
david.woodsmall@woodsmalllaw.com

  
\_\_\_\_\_  
Pamela Griffeth  
Administrative Specialist