

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

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

In the Matter of Westar Energy, Inc. and                    )  
Kansas Gas and Electric Company Seeking                    )  
Commission Approval to Implement                    )  
Changes in Their Renewable Energy                    )                    Docket No. 12-WSEE-652-TAR  
Program Rider Adding a Sustainability                    )  
Program Option for Large Commercial or                    )  
Industrial Customers                    )

**ORDER GRANTING INTERVENTION TO OCCIDENTAL CHEMICAL  
CORPORATION**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised in the premises, the Commission finds and concludes as follows:

1. On February 24, 2012, Westar Energy, Inc. filed a request for Commission approval of modifications to its Renewable Energy Program Rider. The modification adds a Sustainability Program Option for large commercial or industrial customers.
2. Occidental Chemical Corporation (OXY) petitioned the Commission on April 24, 2012, to permit it to intervene in this proceeding (Petition).
3. OXY asserts that Westar's application fails to disclose that the costs of procuring renewable energy will be flowed through to all Westar customers, including OXY. (Petition, ¶ 4.)
- 4.) As a retail electric customer, OXY claims to have a direct financial interest in modifications to the Renewable Energy Program Rider. (Petition, ¶ 2.) Furthermore, OXY argues that its interests are not adequately protected by any current party to the proceeding.
4. The Commission has broad discretion to grant a petition for intervention if it is in

the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding. K.S.A. 2011 Supp. 77-521; K.A.R. 82-1-225. Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation. K.S.A. 2011 Supp. 77-521(c).

5. The Commission finds and concludes that OXY has met the requirements of K.S.A. 2011 Supp. 77-521 and K.A.R. 82-1-225 and should be granted intervention.

6. Counsel for OXY will be added to the mailing list. Service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

Teresa J. James #12194  
MARTIN, PRINGLE, OLIVER,  
WALLACE, & BAUER, L.L.P.  
6900 College Boulevard, Suite 700  
Overland Park, KS 66211  
Tel: (913) 491-5500  
Fax: (913) 491-3341  
[tjames@martinpringle.com](mailto:tjames@martinpringle.com)

Stanford J. Smith, Jr. #11353  
MARTIN, PRINGLE, OLIVER,  
WALLACE, & BAUER, L.L.P.  
100 N. Broadway, Ste. 500  
Wichita, KS 67202  
Tel: (316) 265-9311  
Fax: (316) 265-2955  
[sjsmith@martinpringle.com](mailto:sjsmith@martinpringle.com)

Phillip Oldham  
Tammy Cooper  
ANDREWS KURTH LLP  
111 Congress Avenue, Suite 1700  
Austin, Texas 78701  
Tel: (512) 320-9200  
Fax: (512) 320-9292

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Occidental Chemical Corporation is granted intervention in the above captioned proceeding.

B. 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. 2011 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 and proper.

**BY THE COMMISSION IT IS SO ORDERED.**

Dated:           **MAY 07 2012**          



ORDER MAILED MAY 07 2012

Patrice Petersen-Klein  
Executive Director

AF

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
TAMMY COOPER ANDREWS KURTH L.L.P. 111 CONGRESS AVENUE SUITE 1700 AUSTIN, TX 78701		
PHILLIP OLDHAM ANDREWS KURTH L.L.P. 111 CONGRESS AVENUE SUITE 1700 AUSTIN, TX 78701		
HOLLY FISHER, ATTORNEY KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 <b>***Hand Delivered***</b>		
ANDREW FRENCH, ADVISORY COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 <b>***Hand Delivered***</b>		
MIKE LENNEN, VP REGULATORY KANSAS GAS & ELECTRIC CO. D/B/A WESTAR ENERGY 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889		
TERESA J. JAMES, ATTORNEY MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, LLP 6900 COLLEGE BLVD STE 700 OVERLAND PARK, KS 66211-1842		
STANFORD J. SMITH, JR., ATTORNEY MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, LLP 100 NORTH BROADWAY SUITE 500 WICHITA, KS 67202		

ORDER MAILED MAY 07 2012

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

IN RE: DOCKET NO. 12-WSEE-652-TAR

DATE MAY 07 2012

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MICHAEL B. HEIM, SR. REGULATORY ANALYST WESTAR ENERGY, INC. 818 S KANSAS AVENUE PO BOX 889 TOPEKA, KS 66601-0889		

ORDER MAILED MAY 07 2012

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